

ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

FIRST SPECIAL SESSION OF 1956

HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, JANUARY 3, 1956

Vol. I



WITH INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

JAMES E. FOLSOM, Governor

W. G. (GUY) HARDWICK, Lieutenant-Governor

BROUGHTON LAMBERTH, President Pro Tem. of the Senate

RANKIN FITE, Speaker of the House

GEORGE C. HAWKINS, Speaker Pro Tem. of the House

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the first special session of the Legislature of Alabama and is the official publication of such acts.

MARY TEXAS HURT,
Secretary of State.

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GOVERNOR FOLSOM'S
MESSAGE TO THE ALABAMA LEGISLATURE

JANUARY 3, 1956

MR. PRESIDENT, MR. SPEAKER, GENTLEMEN OF THE
LEGISLATURE:

During the past few days while preparing for the opening of this Special Session, I looked over numerous of the speeches I have made since first being elected Governor in 1946.

It seems that for almost a decade there has been but one text of mine and that text has been reapportionment.

Over and over I have talked and explained and discussed that subject.

At the opening of the 1949 Regular Session — and many of you here today were members of the Legislature — I reminded the lawmakers that they were charged with the responsibilities of protecting, as well as making more forceful, the basic tenets of our grass roots democracy. I pointed out the need for foresight and vision, and said at that time, "Without vision the people perish." I said to them that democracy in our State could be most forcefully advanced through fair and just reapportionment.

In addressing the opening of the Legislature on May 6, 1947, I said that the Constitution of 1901 had become cumbersome and outmoded, and further pointed out that the Constitution itself provides the way whereby the people themselves can re-examine it. That means being through a Constitutional Convention.

The following quote is from the closing portion of that same address:

I quote, "I want to again call your attention to the fact that this is not an issue on which you and I have the final decision. The machinery provides that the people themselves be given an opportunity to vote on whether or not they want a Constitutional Convention."

And quoting further, "Therefore, I recommend that at this legislative session the necessary legislation be adopted to submit the question to the voters of the State. I do not think we can deny the people this opportunity."

So you see it is an old refrain that is again being sounded for reapportionment.

In reviewing my speeches, I find that I have made close onto two thousand such throughout the beats and precincts of

this State in which I have championed the cause of reapportionment.

From the school house at Brown Fell, to the rain-soaked night at Ryan's Cross Roads, to the courthouse at Monroeville, to this historic Capitol chamber, I have preached the gospel of reapportionment.

Historically I would like to point out the following to you as a matter of record.

I have made two races for Congress, and three races for Governor. I have called seven special sessions of the Legislature. In all of these, and in the opening of three regular sessions, I have given special emphasis to the need for reapportionment and a Constitution Convention.

In all of those sessions and those campaigns, I have pointed up in every instance, first and foremost above every other issue, the need for a "Fair-Vote" reapportionment.

I have in hand a copy of the program I campaigned for in my race for Governor in 1954.

The very first thing that heads the program says, "The Keystone of my program is a Fair Vote Convention."

It states further, "Every county needs a fair vote in the Legislature. Our present Constitution is an obstacle to progress. Our citizens in convention must re-write our Constitution from top to bottom. Twelve years ago I started my uphill fight for this convention. This is the keystone to my entire program. I continue to fight now."

That is my record regarding a convention for reapportionment. I am proud to stand upon it.

As a further pointing up of the record, I would like to add the following. Every Governor since 1910 has campaigned one way or another on the issue of reapportionment. Many bills have been introduced on the subject. I am proud to have contributed actively in behalf of reapportionment.

So much for the past record.

And now I would like to look to the future. You have been convened into Special Session to consider the ways and means of a Constitutional Convention.

I would remind you that our present Constitution adopted in 1901 provides for a fair reapportionment of this State, one that is based upon the population count of our people as taken by the Federal Census every ten years.

The language of the Constitution regarding this matter is plain and simple — it spells out in unmistakable language that the legislature shall reapportion the legislative representation every ten years. The framers of our Constitution followed the pattern of the Federal Constitution which provides for similar measures — and fortunately the United States Congress has seen fit to carry out this particular provision of the Federal Constitution every decade.

Such has not been the case in Alabama. Our lawmakers, sitting in these very Chambers, have consistently failed to provide the fair vote reapportionment which is actually the very foundation of our democratic government. It is the corner stone foundation because it determines the actual voice the people have in making the laws that govern them. No less a war than the American Revolution itself was fought primarily for the privilege of enjoying a fair and equal representation in the law-making assembly halls.

As you know, this special call is for a Constitutional Convention. Such a Convention could deal with the entire framework of our basic law structure. But primarily and above everything else, I am interested in accomplishing reapportionment. I want that understood by everybody. I am not trying to cram a personalized version of the Constitution down the throats of our people. And the many members of the Legislature with whom I have recently discussed the matter, will bear me out on this.

I am the first to recognize the limitation of my own jurisdiction in the matter. I am fully privileged and proud to have the Legislature exert its every rightful expression and duty toward carrying out the ways and means of making possible a Constitutional Convention. There will be no effort on my part to dictate to you as to how you should best perform your obligations and responsibilities to the people.

There will be blocs and fumbles and incompleted passes — but when the game is over, I hope the people will be the winners.

And now I would like to highlight a few major points which concerns your task at hand.

1. Our Constitution of 1901 is now a patch-work one. Nothing better illustrates this than the 30 amendments to the Constitution which were submitted to the people for their vote on the past December 6. After every legislative session it is the same old story — amendments which have no reason in the world to be part of the basic Constitution are submitted to the voters. Many of these are restricted to local city and county problems and should be acted on in local elections.

2. The need for legislative reapportionment is urgent. A Fair Vote representation must be provided to meet the upward climb of progress for our people. I shall never lose one wink of sleep by worrying about the results of letting our people have equal voice and fair expression in the making of their laws through the functioning of a more perfect democracy.

3. There is little need for me to again cite to you the many inequalities that now exist among our various counties, when it comes to their representation in the Legislature. Every member of this Legislature, as well as the people throughout the State, are familiar with the unfair and unequal representation.

4. I would remind you that in this Special Session you are not called upon to pass judgment on any law or to advocate any change in our Constitution. You are not asked to call on Constitutional Convention — the Constitution does not give the Legislature that authority.

You have been called here to vote "Yes" or "No" on whether or not you are willing for the citizenry of this State to go to the polls and decide by their own vote as to whether or not they want a Constitutional Convention.

If they vote "Yes", then there will be an election for delegates to the Constitutional Convention. After they have performed their duties in due convention, the resulting Constitution will then be submitted to the voters for their approval or rejection.

Your job then is a clear-cut and simple one. It is merely to vote on allowing the people the privilege of expressing themselves as to the needs for a Constitutional Convention.

In making your decision, I would remind each of you of your sworn obligation to uphold the duties and discharge the responsibilities according to the Constitution of Alabama. And further, I would remind you that one of the foremost stipulations of that Constitution calls for you to reapportion the Legislature of this State every ten years.

In calling you into this special session, I am discharging my duties under the Constitution.

I am now transferring the duties of reapportionment to you.

5. Number five, and lastly, I would remind you again that this is indeed an old refrain. If you do not finish the task in this deliberation, there shall be other singings of that old refrain, just as the old Four-Note singers carry on their So-La-Fa tunes in Winston and Coffee and Jackson Counties.

Knowing the temper of the voters on this subject, I make this observation:

Those voting against some form of reapportionment just do not have any future statewide political ambitions.

And those from the Hills and Piney Woods opposing reapportionment are not interested in any future local or statewide political races.

I wish you God speed and lasting progress in the deliberations that confront you in this historic and significant Special Session.

May God bless you and guide you in your efforts.

ALABAMA LAWS

and Joint Resolutions

SPECIAL SESSION OF 1956

Act No. 1

H.J.R. 3—Brassell

HOUSE JOINT RESOLUTION

WHEREAS it recently was announced that the city of Phenix City, Alabama, was selected as a winner in the annual All-America Cities Award contest jointly sponsored by the National Municipal League and Look Magazine, and

WHEREAS the people of Phenix City are conducting a celebration in honor of this auspicious occasion, which celebration shall commence at ten o'clock, a.m., on Saturday, January 7, 1956, and

WHEREAS the legislative delegation of Russell County has extended a gracious invitation to the members of the Legislature to attend this celebration; now therefore,

BE IT RESOLVED by the Legislature of Alabama, Both Houses Thereof Concurring:

1. That the members of the Legislature commend and extend their most sincere congratulations to the people of Phenix City for the selection of their community as an All-America City.

2. That as many of the members of the Legislature as possible attend this celebration, and participate in the commemoration of this great event in the lives of the people of Phenix City.

Approved: January 13, 1956.

Time: 12:20 P.M.

Act No. 2

S.J.R. 10—Lieutenant Governor Hardwick and Messrs. Roberts, Coleman, Metcalf, Allen, Davis (Pickens), Engelhardt, Shelton, James, Van Antwerp, Skidmore, Leonard, Tate, Smith, Flow-ers, Yarbrough (Autauga), Jones, Yarbrough (Randolph), Moses, Grisham, Cantrell, Dyar, Givhan, Calvin, Davis (Lowndes), Little, Newton, Lamberth, Robison, Ed-dins, Goodwin, Cooper, Boutwell, Vann, Reeves and Bradford.

SENATE JOINT RESOLUTION

WHEREAS the Legislature has learned of the unfortunate accident occurring early today, in which the home of former Lieutenant Governor James B. Allen was burned, suffocating Mrs. Allen and seriously injuring Jim Allen, and

WHEREAS the adversities of this fine, upstanding citizen and statesman have deeply touched our hearts; now therefore,

BE IT RESOLVED by the Senate of Alabama, the House of Representatives Concurring:

That the Legislature hereby expresses the deep regret and concern felt by the people of Alabama over the death of Mrs. James B. Allen and the injury of former Lieutenant Governor James B. Allen.

Approved: January 13, 1956.

Time: 12:25 P.M.

Act No. 3

H.J.R. 8—Lee (Lawrence), Dement, Nettles, Stembridge, Hunt, Hain, Hardy, Molette, Johnson (Elmore), McKay, Simon, Kendall, Fite, Franklin, Solomon, Stokes, Callahan, Brassell, Shumate, Burkhalter, Richardson, Jenkins, Adams, Johnson (Tallapoosa), Hawkins, Pirkle, Ramey, Martin, Selman, Money, Ashworth, Boyd, Crook, Hall, McClendon (Chambers), Goodwyn, Speaks, Brewer, Brooks, Taylor, Killough, Hare, Locke (Choctaw), Faulk, deGraffenried, Reynolds, Gilchrist, Gregory, Roberts, Gist, Hanby, Ward, Brown (Lee), Lee (Barbour), Pruitt, Haltom, Broadfoot, Huddleston, Brown (Lamar), Bran-
yon, Windle, Kelly, Ferrell, Lackey, Harrison, Harvey, Dawkins, Vacca, Perry, Locke (Perry).

HOUSE JOINT RESOLUTION

Whereas the federal cotton acreage allotment program calls for a reduction in the number of acres devoted to the production

of cotton, which reduction averages over the nation as a whole some twenty-five per cent of the acreage planted in cotton in pre-allotment years, and

Whereas most of the recent increase in cotton production has come about in the western states, where the average production of cotton per acre is nearly three times as great as that in Alabama, and

Whereas Alabama cotton farmers have been forced to take acreage reductions averaging in some cases as much as twice the national average, and suffer from other inequities inherent in the cotton acreage allotment system, which operates in favor of the western states, and

Whereas cotton production traditionally has been the economic mainstay of the Alabama farmer, and fair treatment under the allotment program is vitally necessary to the welfare of this State; now therefore,

Be It Resolved by the House of Representatives of Alabama, the Senate Concurring: That the Legislature of Alabama hereby respectfully requests the President of the United States, the Secretary of the United States Department of Agriculture, and the senators and representatives of Alabama in the Congress of the United States to investigate and determine the cause of the drastic reductions made in the cotton acreage allotments of Alabama farmers, and to take such steps as are necessary to correct the gross inequities in allotments suffered by many of the farmers of this State.

Be It Further Resolved, that the Clerk of the House of Representatives transmit certified copies of this resolution to the President of the United States, the Secretary of the United States Department of Agriculture, and to each member of the Alabama delegation in the Congress of the United States.

Approved: January 13, 1956.

Time: 12:30 P.M.

Act No. 4

H. 17—Oden, Haltom, Broadfoot, Gist,
Brannan, Davis, Money.

AN ACT

Relating to appointments to certain positions in the State Highway Department; providing that employees of the State Highway Department used in any county in connection with the construction, maintenance, and repair of county roads and bridges, where responsibility for such

construction, maintenance, and repair is transferred by law to the State Highway Department, shall be drawn insofar as possible from residents of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever responsibility for the construction, maintenance, and repair of county roads and bridges is transferred by law from any county governing body to the State Highway Department, the employees used by the State Highway Department in any such county in connection with the construction, maintenance, and repair of the county's roads and bridges shall be drawn insofar as possible from residents of the county. In the event of a vacancy in any such position of employment in the classified service of the State, the personnel director, upon request of the state highway director that the personnel director certify to him the names of persons eligible for appointment to the position, shall establish a county register of eligibles who are residents of the county in which the vacancy occurs; and the personnel director shall certify the names of persons appearing on the county register for appointment to the position. If, however, no appointment is made from the county register, or if there is no county register, appointment shall be made from the statewide register.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: January 24, 1956.

Time: 10:00 A. M.

Act No. 5

H. J. R. 14—Gist

HOUSE JOINT RESOLUTION

WHEREAS, the Honorable John B. Benson served as a member of this body with honor and distinction as State Senator from the 5th Senatorial District.

RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that the death of the Honorable John B. Benson, the distinguished former Senator, is noted with profound regret, and his passing is deeply mourned, sincere sympathy is extended to the family of Mr. Benson for their grievous loss.

Be it further resolved that the Clerk of the House be directed to send a copy of this resolution to the family of Mr. Benson.

Approved: January 24, 1956.

Time: 11:00 A. M.

Act No. 6

S. 20—Leonard

AN ACT

To amend Section 2 of Act No. 147, approved June 30, 1953, entitled An Act: "To change the method of compensating the Circuit Clerk of Talladega County, placing such officer on salary and providing for clerical assistance and office space to him."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of Act No. 147, approved June 30, 1953, entitled An Act: "To change the method of compensating the Clerk of the Circuit Court of Talladega County, placing such officer on salary, and providing for clerical assistance and office space to him" be, and the same is hereby amended so as to read as follows:

"Section 2. The county governing body shall provide sufficient clerks, deputies and other assistance to the circuit clerk, but the circuit clerk shall select the clerks, deputies and other assistants, and shall fix their compensation, but the combined compensation of such clerks, deputies and assistants selected by him shall not exceed Six Thousand (\$6,000.00) Dollars per year. The circuit clerk shall have the right to discharge the clerk, deputies and assistants at will. The county governing body is authorized to adopt rules and regulations for conducting and operating the office, if such are necessary as a result of changing the method and basis of compensation under this Act. The compensation of the clerk, deputies and assistants shall be paid in equal monthly installments out of the county treasury as other county employees are paid."

Section 2. All laws or parts of laws which conflict with this Act are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: January 24, 1956.

Time: 2:15 P. M.

Act No. 7

H. 6—Stokes

AN ACT

Relating to the municipality of Elba in Coffee County: To alter, rearrange, and extend the boundaries and corporate limits of the municipality of Elba.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipality of Elba in Coffee County are hereby altered and rearranged, and extended from the present corporate limits thereof on the east, to include within the corporate limits of the municipality of Elba the following described territory not now within such corporate limits:

Begin at a point on the present eastern boundary of the municipality of Elba one thousand feet north of the point where the northern boundary of the right-of-way of the Enterprise-Elba Highway intersects the present eastern boundary of the municipality of Elba; thence eastwardly one mile along a line one thousand feet north of the center line of the Enterprise-Elba Highway; thence, southwardly to a point four hundred feet south of the center line of the Enterprise-Elba Highway; thence westwardly along a line four hundred feet south of the center line of the Enterprise-Elba Highway to a point on the present eastern boundary of the municipality of Elba four hundred feet south of the point where the center line of the Enterprise-Elba Highway intersects the present eastern boundary of the municipality of Elba; thence northwardly along the present eastern boundary of the municipality of Elba to the point of beginning.

Also, beginning at a point where the present Elba city limits end on Larkins Road, and beginning on the east margin of said road, and running in an eastwardly direction along the present Elba city limits five hundred feet; thence southwardly to the north boundary line of the Elba City Airport; thence westwardly five hundred feet to the east margin of Larkins Road; thence north along the east margin of Larkins Road to the point of beginning; and the NW $\frac{1}{4}$ of Section 18, Township 5, Range 20; and beginning at the intersection of the south forty line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 7, Township 5, Range 20, with the Larkins Road, and running thence north along the east margin of said Larkins Road five hundred fifty-one feet; thence east parallel to the south line of said forty seven hundred fifty-one feet; thence north three hundred five feet to a point; thence southeastwardly seven hundred seventeen feet, more or less, to a point on the east line of said forty, which is five hundred thirty-four feet north of the southeast corner thereof; thence south along east forty line five hundred thirty-four feet to the southeast corner of said forty; thence west along the forty line of said forty to the point of its intersection with said Larkins Road, the point of beginning as aforesaid.

Section 2. All farm land annexed to the municipality of Elba by this Act, the improvements thereon, and the appurtenances thereunto appertaining, shall be exempt from all ad valorem

taxation by the municipality of Elba during the time such property is used for farming purposes.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: January 26, 1956.

Time: 4:10 P. M.

Act No. 8

H. 44—deGraffenried, Callahan

AN ACT

To alter, rearrange and extend the boundaries of the City of Tuscaloosa:

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Tuscaloosa, in the County of Tuscaloosa, State of Alabama, are hereby altered, rearranged and extended so that said boundaries shall include within the corporate limits of the City of Tuscaloosa, all of the following described additional property located in the County of Tuscaloosa, to-wit:

“Beginning at the southeast corner of lot 12 of that subdivision of lots designated Albright Road Addition, as shown by the map or plat thereof recorded in Plat Book 6 at page 8 in the Probate Office of Tuscaloosa County, Alabama; run thence in a northerly direction along the eastern boundary line of said subdivision, which is also a boundary line of the City of Tuscaloosa, to a point on the Northern margin of Hargrove Road, which is also a boundary line of said City; run thence in a westerly direction along the northern boundary line of said Hargrove Road to a point where said northern boundary line of said road intersects the western margin of Section 30, Township 21 South, Range 9 West; run thence in a southerly direction along the western boundary line of said section 30 to a point where the projection of the southern boundary line of said lot 12 intersects the said western boundary line of said Section 30; thence run in an easterly direction along the said projection

and along the southern boundary line of said lot 12 to the point of beginning."

Section 2. This act shall become effective immediately upon its passage or approval by the Governor, or its otherwise becoming a law.

Approved: January 27, 1956.

Time: 12:32 P. M.

Act No. 9

H. 45—Callahan, deGraffenried

AN ACT

To alter, rearrange, change and fix the boundary line of the City of Tuscaloosa, Alabama:

Be It Enacted by the Legislature of Alabama:

SECTION ONE: The Boundaries of the City of Tuscaloosa, Alabama, in Tuscaloosa County, Alabama, are hereby altered, rearranged, changed and fixed so as to include within the Boundary or Limits of the City of Tuscaloosa, Alabama, the following described property, known as a part of Standridge Subdivision:

To find the point of beginning start at the SE corner of the SW $\frac{1}{4}$ Section 17, TP. 21 S, R 9 W, and run West along South boundary of said quarter section for a distance of 110 feet to a point of beginning; Continue in the same direction for a distance of 550 feet to a point; Turn thence in a Northernly direction with an interior angle of 91 degrees and 20 minutes and run a distance of 740 feet to a point, turn thence to the right and in an Easternly direction an interior angle of 88 degrees and 40 minutes and run for a distance of 550 feet to a point; turn thence to right with an angle of 91 degrees and 20 minutes and run for a distance of 740 feet parallel to East boundary to the point of beginning.

SECTION TWO: This Act shall become effective immediately after its passage and approval by the Governor or its otherwise becoming a Law.

Approved: January 27, 1956.

Time: 12:33 P. M.

Act No. 10

H. 46—deGraffenried, Callahan

AN ACT

To alter, rearrange and fix the boundary line of the City of Tuscaloosa:

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary of the City of Tuscaloosa is hereby altered, rearranged and fixed so as to include the following described property, to-wit:

Lot Number 2. and the West half of Lot Number 10. of Princeton Heights Subdivision and all roads and streets or parts thereof between or adjacent to said lots, all located in Tuscaloosa County, Alabama.

Section 2. This Act shall become effective immediately after its passage and approval by the Governor or its otherwise becoming a law.

Section 3. All laws and parts of laws in conflict herewith in so far as the same are in conflict herewith I hereby expressly repeal.

Approved: January 27, 1956.

Time: 12:31 P. M.

Act No. 11

H. 48—Callahan, deGraffenried

AN ACT

To amend Section 17 of Act No. 187, S. 339, approved June 29, 1951 (Acts of Alabama 1951, Page 438), as amended by Act No. 217 of the Alabama Legislature, approved August 8, 1955, which provides for a Firemen's and Policemen's Pension and Relief Fund in cities which have a population exceeding forty-five thousand and not exceeding fifty-four thousand inhabitants according to the preliminary census of April 1, 1951, or any subsequent Federal Census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17 of Act No. 187, S. 339, approved June 29, 1951 (Acts of Alabama 1951, Page 438), as amended by Act No. 217 of the Alabama Legislature, approved August 8, 1955, which provides for a Firemen's and Policemen's Pension and Relief Fund for certain cities, is amended to read as follows:

"Section 17. The Board of Trustees shall have the power and authority to retire from active service, and they may retire from active service, every fireman and every policeman, without regard to his length of service, upon his attaining the age of sixty-five (65) years. Every fireman and every policeman heretofore or hereafter retired, under the provisions hereof, shall, upon retirement, be paid monthly, from said fund, a sum equal to two and four-tenths per cent (2.4%) of the amount of his "pension base" multiplied by the number of

entire years he has served in the department of which he was a member. The term "pension base", as used herein, means the monthly salary at the time of retirement unless: (a) he has been demoted during the five (5) years immediately preceding his retirement, in which case his "pension base" shall be the average monthly salary for the five year period immediately preceding retirement; (b) his salary at the time of his retirement exceeds one hundred and fifteen per cent (115%) of his average monthly salary for the five (5) years immediately preceding his retirement, in which case his "pension base" shall be one hundred and fifteen per cent (115%) of his average monthly salary for the five year period immediately preceding his retirement. Under no circumstances shall said retired fireman or policeman be paid a monthly pension or benefit of more than sixty per cent (60%) of his "pension base", as above determined, or in excess of the limitation set forth in Section 2⁵ hereof."

Section 2. This Act shall become effective immediately after its passage and approval by the Governor or its otherwise becoming a law.

Approved: January 27, 1956.
Time: 12:35 P. M.

Act No. 12

H. 121—Callahan

AN ACT

To amend Section 9 of Act Number 228 of the Local Acts of Alabama of 1927, as amended, which Act was approved August 3, 1927, and fixing the salary of the Judge of the Inferior Court of Tuscaloosa County, Alabama, at \$7200.00.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act Number 228 of the Local Acts of Alabama of 1927, approved August 3, 1927, is hereby amended so as to read as follows:

"Section 9: Be it further enacted that the Judge of said Court shall receive a salary of \$7200.00 per annum payable monthly out of the County Treasury upon his warrant drawn upon the County Treasurer, or County Depository. The said Judge shall not be permitted to practice law in any Court, or otherwise engaged in the practice of law."

Section 2: All laws and parts of laws, local, general, or special, in conflict herewith insofar as the same are in conflict herewith, are hereby expressly repealed.

Section 3: This act shall become effective on the first day following the expiration of the present term of office of the Judge of such Court.

Approved: January 27, 1956.

Time: 12:34 P. M.

Act No. 13.

H. 122—deGraffenried, Callahan

AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of said City all of the following additional adjacent territory:

Start at the Northwest Corner of Section 30, Township 21 South, Range 9 West, and from said starting point run in an Easterly direction along the North line of said Section 30 a distance of Two Thousand Sixty-seven (2067) feet to a point, thence run in a Southerly direction with a bearing of South zero degrees and thirty minutes East (S 0° - 30' E) a distance of Twenty-five (25) feet to a point, which is the point of beginning, and is also the Northwest Corner of the property herein described; thence continue to run in a Southerly direction with a bearing of South zero degrees and thirty minutes East (S 0° - 30' E) a distance of Twenty-three Hundred Seventy-seven and four-tenths (2377.4) feet to a point, thence run in a Northeasterly direction with a bearing of North sixty-two degrees and six minutes East (N 62° - 06' E) a distance of Six Hundred Ninety-one and Eight-tenths (691.8) feet to a point, which point is on the East boundary line of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 30, thence run in a Northerly direction with a bearing of North zero degrees and fifteen minutes West (N 0° - 15' W) along the East boundary line of said Northwest Quarter (NW $\frac{1}{4}$) of said Section 30 a distance of Two Thousand Sixty-five and Five-tenths (2065.5) feet to a point Twenty-five (25) feet South of the Northeast Corner of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 30, which point is on the South margin of 15th Street, thence run in a westerly direction with a bearing of South eighty-eight degrees and fifty minutes West (S 88° - 50' W) along the South margin of said 15th Street, a distance of Six Hundred Twenty-five (625) feet to the point of

beginning; the property herein described containing 31.58 acres, and being in the Northwest Quarter (NW $\frac{1}{4}$) of Section 30, Township 21 South, Range 9 West;

and, also,

The Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$), and a strip of the uniform width of twenty-five (25) feet off the East Side of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$), beginning at the North boundary of said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and extending Southerly a distance of 700 feet; all in Section 36, Township 21 South, Range 10 West.

Section 2. All laws and parts of law in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved: January 27, 1956.

Time: 12:36 P. M.

Act No. 14

H. 112—Dawkins

AN ACT

To make an additional appropriation to the Department of Public Safety for each of the fiscal years ending September 30, 1956 and September 30, 1957.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated and in addition to any funds heretofore appropriated to the Department of Public Safety for the fiscal year ending September 30, 1956, the following:

For salaries\$18,000.00

For the fiscal year ending September 30, 1957, the following:

For salaries\$24,000.00

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved: January 27, 1956.

Time: 12:20 P. M.

Act No. 15

H. 114—Dawkins

AN ACT

To make an additional appropriation to the Alabama Alcoholic Beverage Control Board for the fiscal year ending September 30, 1956 and for the fiscal year ending September 30, 1957.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, in addition to all other funds heretofore appropriated, to the Alcoholic Beverage Control Board for the fiscal year ending September 30, 1956, the following:

Administrative and Stores Division:

For salaries\$96,000.00

and for the fiscal year ending September 30, 1957, the following:

Administrative and Stores Division:

For salaries\$73,000.00

Section 2. The appropriation set out hereinabove shall be paid from funds in the State Treasury to the credit of the Alcoholic Beverage Control Board which funds were derived from the gross proceeds of the sale of alcoholic beverages.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved: January 27, 1956.

Time: 12:21 P. M.

Act No. 16

H. 23—Edwards (Jefferson), Meeks,
Nice, Perry, Lackey, Vacca

AN ACT

To establish an Inferior Court in Precinct 33 and all other precincts in Jefferson County, Alabama, lying within or partly within the City of Bessemer, in lieu of all Justices of the Peace in said precinct or precincts and in lieu of all other Inferior Courts created in lieu of Justices of the Peace heretofore created in said territory, said Court to be called The Bessemer Civil and Criminal Court. To define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judge, Clerk and other officers of said Court; to fix the terms or tenure of office of the officers of said Court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said Court and to fix the method of service of all processes therefrom, to designate the officials to serve processes issued by said Court and provide compensation therefor; to de-

signate the officers of said Court, and define their duties and the duties of other officials with respect to said Court; and to otherwise provide for said Court.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That there is hereby established and created an Inferior Court in precinct 33 and all other precincts in Jefferson County, Alabama, lying within or partly within the City of Bessemer, which shall be known and designated as the Bessemer Civil and Criminal Court, which shall be in lieu of all Justices of the Peace within said precinct or precincts and in lieu of all Inferior Courts heretofore created in lieu of Justices of the Peace in said precinct or precincts. Said Court shall be held in a place furnished and designated by the County Commission of Jefferson County. That said Court shall have all the powers and jurisdiction now conferred or may be hereafter conferred on Justices of the Peace, and the Judge of said Court shall have and exercise all the powers and authority, perform all the duties now prescribed, or may be hereafter prescribed by law for Justices of the Peace, and shall have all the power and authority over the matters transacted in said Court.

SECTION 2. That the Court hereby established shall have and exercise civil and criminal jurisdiction in all matters of which Justices of the Peace and Inferior Courts in lieu of Justices of the Peace have jurisdiction under the general laws, concurrently with the Justices of the Peace and Inferior Courts of Jefferson County, Alabama; and shall have exclusive jurisdiction in the precinct or precincts lying within or partly within the City of Bessemer, Alabama, provided that said Court shall not have jurisdiction of Workmen's Compensation cases or civil actions of libel, slander, assault and battery, ejectment or actions in the nature of ejectment.

SECTION 3. That the territorial jurisdiction of the Court shall not extend over that portion of Jefferson County known and designated as the Birmingham Division of said County.

SECTION 4. That the Judge of said Court shall have the power to punish for contempt in all cases where Judges of the Circuit Court of this State can punish for contempt by a fine not exceeding fifty dollars and by imprisonment not exceeding five days, either or both.

SECTION 5. That the Judge of this Court shall be learned in the law and at least twenty-five years of age at the time of his election or appointment and during his tenure in office shall be a resident of that portion of the County comprising the territorial jurisdiction of the Court. The Judge of said Court shall

hold office for a term of six years, and until his successor is elected and qualified. The Judge of the Bessemer Civil and Misdemeanor Court at the time this Act goes into effect shall be the first Judge of the Court hereby established for the term ending January 1st, 1961. At the regular election for State and County officers in November 1960, and each six years thereafter, there shall be elected a Judge of said Court by the qualified electors of the precinct or precincts in which said Court is hereby created. All vacancies in the office of Judge of said Court shall be filled by appointment of the Governor for the same duration and in the same manner Circuit Judges are appointed for the Bessemer Division of Jefferson County, Alabama, when a vacancy occurs.

SECTION 6. That the Judge of said Court shall receive an annual salary of Eight Thousand (\$8,000.00) dollars payable in equal monthly installments out of the County Treasury of Jefferson County, Alabama. The Judge of said Court shall not during his tenure of office practice law in any of the Courts of this State or of the United States.

SECTION 7. That in the absence of, disqualification or inability of the Judge of said Court to act, he shall appoint in writing a special Judge, who shall have full power to act for and in the place of the regular judge, said person so appointed shall at the time of his appointment be a practicing attorney residing in the jurisdiction of said Court. In case the Judge of said Court shall be unable to discharge the duties of his office by reason of sickness, disqualification or inability to hold said Court, and shall not have appointed a special Judge to act, it shall be the duty of the Presiding Judge of the Bessemer Division of the Circuit Court upon request of the Clerk of said Court to appoint a special Judge to transact the business of said Court, and in either event, said special Judge shall receive the same compensation as the regular Judge of said Court during the time he serves. If however, illness, disqualification or inability to serve by the regular Judge shall exceed thirty days in each calendar year, the compensation of the special Judge for all time served by him in excess of thirty days shall be deducted from the salary or compensation of the regular Judge of said Court.

SECTION 8. That there shall be a Clerk of said Court who shall give bond in such penal sum as the County Commission shall prescribe, which bond shall be approved and filed in the office of the Probate Judge of Jefferson County, said bond conditioned to faithfully discharge the duties of his office and upon said bond there shall be the same liabilities and penalties as upon the bond of the Circuit Clerk, the premiums on said bond to be

paid out of the County treasury. There shall be a sufficient number of deputy clerks to assist the clerk in keeping the records, issuing process and transacting the business of the office. The County Commission shall prescribe or change the number of deputy clerks it deems necessary to assist the clerk in transacting the business of the Court, and shall fix the salaries of the clerk and deputy clerks which shall be paid out of the County treasury as other County employees are paid. The first clerk of said Court shall be the present clerk of the Bessemer Civil and Misdemeanor Court. The clerk and deputy clerks thereof shall, notwithstanding the provisions of this section, be governed and controlled with respect to their appointment, tenure of service, classification, grading and compensation by the terms of any civil service law which may be in effect from time to time in Jefferson County, and said clerk and his deputies shall be entitled in determining their status under any civil service law to have added to their terms of service any previous service in similar positions.

SECTION 9. That the Constable of the precinct or precincts lying within or partly within the City of Bessemer, Alabama and the Sheriff of Jefferson County shall be the officers of said Court and shall execute all processes from said Court and make return thereof, and shall receive the same fees as are now provided by law for similar services, with respect to process issuing from the Courts of Justices of the Peace and Inferior Courts created in lieu of Justices of the Peace in said County, but the fees of the Sheriff shall be covered into the County Treasury. All writs of restitution or eviction shall be served by the Sheriff.

SECTION 10. That the Clerk of said Court shall issue all processes out of said Court, approve all bonds, keep a docket of said Court, certify all appeals and perform such other duties as are usually required of Clerks of Courts. The fees and costs that are now allowed by law to Justices of the Peace, or which may hereafter be allowed by law in Courts of Justices of the Peace, shall be taxed and collected and paid into the County Treasury. There shall also be taxed, collected and paid into the County treasury a fee of fifty cents which shall be taxed in each case filed in said Court.

SECTION 11. That the Practice, procedure, judgment, and records in this Court shall conform to and be governed by the laws applicable to practice and procedure in justice of the peace courts insofar as applicable and except as otherwise provided in this act. All judgments required to be signed shall be signed by the Judge. Judgments and the records thereof shall not be

required to be more formal than those in Courts of Justices of the peace and shall be governed by the same laws as judgments in Courts of Justices of the Peace. Every intendment is in favor of the sufficiency and validity of proceedings in this Court, when brought in question either directly or collaterally in any of the courts of this State where it appears on the face of the proceedings that this Court had jurisdiction of the subject matter and the parties.

SECTION 12. That this Court shall have final and exclusive jurisdiction concurrently with the Bessemer Division of the Circuit Court of Jefferson County, Alabama, in all misdemeanor cases.

SECTION 13. That execution may issue on the judgment of this Court and the revivor thereof had and actions thereon maintained in the same manner and for the same length of time and in accordance with the same procedure as is or may be provided by law with respect to judgments of the Circuit Court, provided that the acire facias to revive any judgment in said Court need not be served for any greater length of time than is provided herein with respect to service of the summons, and provided further that an execution from said Court need not have thereon an itemized statement of the bill of costs. The judgments of this Court shall be subject to registration in the same manner and in accordance with the same procedure as is or may be provided by law for the registration of judgments of the Circuit Court, and the liens thereof shall attach and execution be issued thereon in the same manner and to the same extent and for the same length of time as is or may be provided by law with respect to Circuit Court judgments.

SECTION 14. That the summons must be issued by the clerk of the Court, and accompanied by the complaint of the plaintiff or by an endorsement setting forth the cause of action, but a complainant shall be sufficient if it contains such information as is required by law with respect to endorsements on the summons of courts of justices of the peace. The summons must be executed by the constable, sheriff or other officer authorized to serve process by leaving a copy of the summons and complaint or summons with the cause of action thereon with the defendant which fact he must return with the process. No party shall be treated as in default until the return date of the summons nor until after the lapse of at least three days from date of service in cases (other than forcible entry and unlawful detainer), nor in other cases (including forcible entry and unlawful detainer) until after the lapse of at least six days from date of service of the summons. All garnishments shall be

answerable on or before nine o'clock A. M. on the return day of the writ and the court may render a conditional judgment against any garnishee who after proper service of the writ fails to answer on or before such time. No more than three days service of any rule or notice to show cause why a conditional judgment should not be made final shall be necessary in any garnishment proceedings in this court. In all garnishment cases the garnishee must answer under oath according to the terms of the garnishment but the clerk need not give notice of the filing of the answer to either the plaintiff or the defendant. The garnishee may, if required by the plaintiff (which request need not be in writing) be examined orally in the presence of the Court. If the answer of the garnishee is reasonably filed **any** request by plaintiff for oral examination must be made within thirty days from the return date of the writ of garnishment, and in the absence of such request or of a contest instituted within thirty days from the return date, the garnishee shall be entitled to stand upon his answer as made. Service of any notice proper to be made by publication may be perfected by one insertion of the notice and after ten days from the date of publication of any such notice the party so notified and failing to appear shall be treated as in default. In the garnishment proceedings in said court, the court may upon motion of any party in interest and reasonable notice to the party or parties adversely affected, not less than three days, and whether the garnishee has answered or not hear and determine the right of exemption of the defendant in garnishment with respect to the monies or property garnished.

SECTION 15. That the Judge of this Court shall make **any** and all necessary rules for the conduct of the Court and the officers thereof, for the filing and trying of cases, for the distribution and service of the processes of the Court and generally with respect to the duties of the various officers of the Court in their relation to the Court, the authority herein specifically granted not to be construed as limiting authority generally and usually exercised by judges in making and enforcing the rules of the Court.

SECTION 16. That said Court shall have the power to set aside, vacate or modify its judgments upon motion made in writing within five days after the rendition of same, which said motion must be promptly determined. The Court may be open for business and render default or other judgments at any time after nine o'clock in the morning of each day and all processes of the Court where no time is otherwise fixed shall be returnable at nine o'clock A. M. of the return day.

SECTION 17. In case of emergency the Judge of said Court

may appoint a suitable person to act as constable without bond, except as hereinafter provided; and the person so appointed must perform the same duties and is liable to the same pains and penalties, and is entitled to the same fee and compensation as regular constables; but such special constable is not authorized to levy or collect executions, attachments or writs of detinue, unless prior to the levying or collecting of executions, attachments or writs of detinue, he execute a bond in the sum of twice the value of the property to be levied on, payable to the defendant as is required by law, with sureties to be approved by the Judge appointing such special constable.

SECTION 18. That all cases in said Court shall be tried by the Judge of said Court without the intervention of a jury, the Judge determining both the law and facts and any party shall have the right to appeal to the Circuit Court, Bessemer Division, within five days from entry of judgment and on appeal either party may demand a jury trial under the same rules as are provided by law for demand for jury trials in cases of appeals from judgments of Justices of the Peace and the trial in said Circuit Court shall be de novo and according to the same procedure as applied to appeals from judgments of Justices of the Peace.

SECTION 19. That appeals from judgments of said Court to the Circuit Court in cases of forcible entry and unlawful detainer shall be taken within the same time and in the same manner and upon the same conditions with respect to bonds and surety as are applicable to appeals in like cases from Justices of the Peace Courts.

SECTION 20. That any party desiring to appeal shall give bond with sureties to be approved by the clerk conditioned to pay all costs which may be taxed against him in the Circuit Court. If the judgment appealed from is for the payment of money or for the recovery of personal property and the party appealing desires to have the judgment superseded he shall give bond with sureties to be approved by the clerk and payable to the party or parties in whose favor the judgment was rendered and in such penalty as the Judge may prescribe conditioned to pay and satisfy such judgment and costs as may be awarded and taxed against him on the trial of the case in the Circuit Court. All such bonds shall be filed with and approved by the clerk within five days from the rendition of the judgment from which appeal is taken. This section shall not be applicable to judgments in forcible entry and unlawful detainer cases.

SECTION 21. Certioraries from this Court may be granted by Judges of the Circuit Court and trials de novo had in the

Circuit Court for the same causes, and upon the same conditions and according to the same procedure as apply to statutory certioraries from judgments of Justices of the Peace, and all certificates and notices with respect to same shall be issued by the clerk.

SECTION 22. The Judge of this Court shall be authorized to take and have a vacation of thirty days, with pay during such vacation, in each calendar year, to absent himself from said Court for said number of days in each calendar year. The said number of days hereby allowed as a vacation to the Judge of this Court may be taken on successive days or at different intervals. Whenever the Judge desires to take a vacation as herein provided and absents himself from the Court, he shall be and is hereby empowered to appoint a Special Judge to act as Special Judge in his absence, and in the event that the regular Judge should absent himself without having appointed a Special Judge, the Presiding Judge of the Bessemer Division of the Circuit Court of Jefferson County, Alabama, shall upon the request of the clerk of this Court appoint a Special Judge who shall perform all the duties of the regular Judge of said Court and while acting as such Special Judge shall have and exercise all the powers and authority of the regular Judge and he shall be paid out of the Treasury of the County for the time he acts as Special Judge the same compensation fixed herein to be paid the regular Judge.

SECTION 23. That it shall be the duty of the clerk to issue an execution in all judgments rendered in said Court after five days from the entry thereof and place the same in the hands of the Sheriff or other officer of the Court who shall return such execution within sixty days thereafter, said return to show that he has collected said judgment and paid the same or the amount collected, or is unable to find property of the person against whom the process issued out of which said execution can be satisfied in whole or in part.

SECTION 24. That if it shall appear to the Clerk that in any case where an execution has been returned unsatisfied as to the costs of said cause and in the opinion of the Clerk said costs can be collected by an alias execution, the clerk may issue such alias execution and may direct the sheriff or constable as to what property can be levied upon to satisfy said judgment, and the clerk may issue in such cases such other and further execution as he may deem necessary to enforce payment of costs against any party liable to execution for costs whether plaintiff or defendant.

SECTION 25. That when in any case execution against the

defendant is returned "no property found" execution may issue against the plaintiff, in the name of the clerk, for all costs created by him in obtaining his judgment and attempting to collect the same.

SECTION 26. The Judge or Clerk shall have authority to certify the records and proceedings of said Court and when thus properly authenticated such records shall be admissable in evidence in all the Courts of the State of Alabama, when relevent to an issue being tried.

SECTION 27. That all causes pending in the Bessemer Civil and Misdemeanor Court which is abolished by this Act together with all the papers and judgments of said Court, shall be transferred to this Court as if they had begun therein, and all judgments heretofore rendered in said Court shall be the same as if they had been rendered by this Court and this Court shall have the same power and control over said judgments and may issue execution and other process thereon the same as if said judgments had been originally rendered by this Court.

SECTION 28. This Court shall have exclusive and final jurisdiction concurrently with the Circuit Courts of Jefferson County, Alabama, in all misdemeanor cases arising in the Bessemer Division of Jefferson County, Alabama.

SECTION 29. Upon the conviction of any defendant in misdemeanor cases in said Court, the Court shall have the right to suspend the sentence whenever in the discretion of said Court the same may be advisable.

SECTION 30. That the Judge of said Court is hereby authorized and empowered to perform marriage ceremonies and collect and retain as a part of the prerequisites of his office the fees which are now or may be allowed by law.

SECTION 31. The Judge of said Court may designate in writing by general order, which shall continue until revoked by a general order of said Judge, the Clerk or deputy Clerk as ex-officio Judge of said Court, and the said ex-officio Judge so designated shall have the power and authority to take affidavits and issue warrants of arrest that the Judge of said Court could issue, but said ex-officio Judge shall not try cases.

SECTION 32. That in addition to the power and jurisdiction herein conferred upon said Court it shall have and is hereby given the authority and jurisdiction to sentence to perform hard labor for the County of Jefferson for the payment of fine and costs in the same manner and to the same extent as the Circuit Court of this State have authority and jurisdiction to do.

SECTION 33. If the defendant fails to appear as required by his bond said Court shall enter a forfeiture against him and his sureties, and said Court shall have the authority to issue and shall cause to issue sci.fa's to the bondsmen which shall be returnable in not less than twenty days from the issuance date, and upon final hearing said Court shall have the authority to pass upon the forfeiture and to make the same final, or to take such other action as the Circuit Court of said County may be authorized to take in case of appearance bonds in said Circuit Court. Said Judge shall issue an allias warrant for the arrest of the defendant.

SECTION 34. That there shall be taxed as a part of the costs in each misdemeanor case tried in said Court a trial tax of Three (\$3.00) dollars and a Solicitor's fee of Five (\$5.00) dollars which shall be in addition to the other costs herein provided for, and which shall be collected as other costs are collected, and paid into the County Treasury.

SECTION 35. That in the trial of cases before this Court, the accused shall have no right to demand a trial by jury, that the Judge shall determine both the law and the facts, without the intervention of a jury, and shall award such punishment in misdemeanor cases as the character of the offense may demand, and render such judgment in other cases as in his judgment may seem right and proper, and in the trial of misdemeanor cases no statement of the offense need be made other than that contained in the affidavit and warrant of arrest.

SECTION 36. That appeals from judgments rendered in said Court in cases over which this Court has final jurisdiction may be taken by the defendant in misdemeanor cases and by either the plaintiff or defendant in civil cases to the Bessemer Division of the Circuit Court of Jefferson County, Alabama, within five days after the rendition of said judgment, except as herein otherwise provided, in the manner as is provided by law for appeals to be taken from Justices of the Peace Courts of this State to Circuit Courts of this State and a jury may be had on demand of the defendant in misdemeanor cases, and on demand of either party in civil cases as provided by law, and all appeals taken as herein provided for shall be tried de novo and be preferred cases in said Circuit Court and shall be governed in all respects by the rules and regulations provided by law for the trial of appeals in Circuit Courts from Justices of the Peace Courts of this State, insofar as the same may be applicable.

SECTION 37. That the Judge of said Court has the power and authority to require the Sheriff of this County, or one of his deputies to attend upon the sessions of said Court; and

shall have all the power and authority inherent in the Judge of a Court of law and conferred by general statutes of the State in reference to bonds, commitments and recognizances.

SECTION 38. The judgments in civil and criminal cases shall conform as nearly as practicable to judgments in such cases in Justices of the Peace Courts of this State.

SECTION 39. If the defendant fails to appear as required by his bond and a forfeiture is taken, said forfeiture shall conform as near as practicable to the form of Circuit Court of this State.

SECTION 40. That any prosecution in said Court, if it appears to the Court that such prosecution is frivolous or malicious, the Court shall after hearing the facts render summary judgment and tax the prosecutor or person who made the complaint or affidavit with the costs, and when the costs are imposed on the prosecutor or person who made the complaint or affidavit he may confess judgment for the same with good and sufficient sureties, and failing to do so presently pay the same, such person must be imprisoned in the County Jail or sentenced to hard labor for Jefferson County for the payment of same for such a term as may be required to pay the same not to exceed ten days.

SECTION 41. That on the passage and approval of this Act all offices of Justices of the Peace and Notary Public ex-officio Justice of the Peace and Inferior Courts created in lieu of Justices of the Peace in the precinct or precincts lying within or partly within the City of Bessemer, Jefferson County, Alabama are abolished and after the passage and approval of this Act, no other Justice of the Peace, Notary Public ex-officio Justice of the Peace shall be elected or appointed in the precinct or precincts lying within or partly within the City of Bessemer, Jefferson County, Alabama, subject and according to the provisions of Act No. 414, Acts of Alabama, Regular session 1953, page 513.

SECTION 42. That the provisions of this act shall not take away any jurisdiction or power from any Inferior Court established in a place other than in the City of Bessemer, Alabama, or that may hereafter be established in a place other than in the City of Bessemer, Jefferson County, Alabama, neither shall the provisions of this Act take away any jurisdiction or power from the Domestic Relations or Juvenile Courts of this County. Provided further, that in no event shall the territorial jurisdiction of the Court hereby created extend over or be construed to include territory beyond that that is or may be hereafter be included in the territorial jurisdiction of the Circuit Court of Jefferson County, Alabama, sitting at Bessemer in said County.

SECTION 43. That all laws, general, special or local in conflict with the provisions of this Act are hereby repealed.

SECTION 44. That this Act shall take effect upon its due passage and approval by the Governor, or upon its otherwise becoming a law.

SECTION 45. That if any section, clause, or provision of this Act shall be held to be unconstitutional and void or ineffective, it shall in no wise effect any other section, clause or provision not unconstitutional and void or ineffective in itself.

Approved: January 27, 1956.

Time: 1:30 P. M.

Act No. 17

H. 21—Kaul, Edwards (Jefferson),
Lackey, Nice, Meeks

AN ACT

To amend Section 5 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400), as amended by Act No. 345, approved August 15, 1947, (General Acts of the Legislature of Alabama of 1947, pages 222-229).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 5 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400), as amended by Act No. 345, approved August 15, 1947, (General Acts of the Legislature of Alabama of 1947, pages 222-229), be and the same is hereby amended so as to read as follows:

“Section 5. Citizens supervisory commission. There shall be a citizens supervisory commission of not less than five persons for each county subject to this act which shall consist of the persons who now are, and who from time to time shall be: (1) The judge or judges of the district court or district courts of the United States, for the district or districts having exclusive or concurrent territorial jurisdiction of such county or the largest part thereof, provided he or they be residents of such county. (2) The presidents, or other chief executive officers by whatever name called, of two institutions of higher learning which have been accredited by the Southern Association of Colleges and Secondary Schools for the longest period of time, if there be any in such county. (3) The president, or other chief executive officer, of the association, group, or society, if there be one in such county, comprising within its membership at least fifty-five per cent of the licensed practicing physicians resident in such county, and provided that not less than ninety

per cent of the membership of such association, group, or society shall consist of licensed physicians, and provided that any reputable citizen of such county who shall be licensed by the State of Alabama to practice medicine and who shall have paid his state and county license fee to practice shall, under the rules of such association, group, or society, be eligible to membership therein. (4) The president, or other chief executive officer, of the trades council, group, society or association, if there be one in such county with which is affiliated more than one-half of the unions or other organizations of the workers in the organized trades and crafts in such county, provided that no union or other labor organization shall be counted for the purposes of this act as affiliated with more than one such trade council group, society, or association in such county, and provided that if there be no council, group, society or association in such county with which is affiliated more than one-half of the unions or other organizations of the workers in the organized trades and crafts in such county, then the council, group, society, or association having the largest affiliation of such unions or organizations shall be here designated. (5) If there be in such county as many as three or more trades, crafts, groups, or divisions of workers, who are organized into what are commonly known as labor unions or organizations whose organizations are not affiliated with the trades council, group, society or association described in the sub-paragraph (4) immediately preceding this sub-paragraph, then such organized crafts, groups or divisions of workers may in any manner agreeable to the majority of the presidents, or other chief executive officers, of the locals of such non-affiliated labor organizations located in such county select one of such presidents, or other chief executive officers, as a member of the citizens supervisory commission who shall remain a member of such commission as long as his electors shall designate. This sub-paragraph shall be applicable solely to the county as a whole and not to the separate cities therein. (6) The president or other chief executive officer of the chamber of commerce, or other most nearly similar organization, of the largest city subject to this act in such county; provided, however, if there be two court houses in any such county, then the president or other chief executive officer of the chamber of commerce or other most nearly similar organization of the largest city subject to this act in each division of said county, provided that by "chamber of commerce" is meant an organization to membership in which any reputable man engaged in mercantile, manufacturing, banking, jobbing, or similar businesses is eligible, and which most nearly of all organization in such city regardless of name performs the functions of such organizations as are commonly known as chambers of com-

merce. (7) The president or other chief executive officer of the junior chamber of commerce or other most nearly similar organization of the largest city subject to this chapter in such county, provided that by junior chamber of commerce is meant an organization substantially similar to chambers of commerce as defined hereinbefore, except that membership therein may be restricted by an age qualification, and if there be no organization in such city substantially like a junior chamber of commerce, representation for such city under this classification shall fail. (8) The president, chairman, or other chief executive officer, of any countywide council, group, society or association of Posts of the American Legion. By Post of the American Legion is meant a local organization with its meeting place in such county of persons who are residents of Alabama, and who actually served as soldiers, sailors or marines in the armed services of the United States of America. If at any time there be no such county-wide organization of such posts, then the president, chairman, commander or other chief executive officer of the post in the county which as of the first day of January of each year has the largest bona fide membership. (9) The president, or other chief executive officer by whatever name called of any council of parent-teacher associations of the entire county school system. (10) The President, or other chief executive officer, of the engineering council of the engineers' club having the largest membership of any engineers' club in the county, if there be such club or clubs in the county. (11) The president or other chief executive officer, of the county farm bureau of such county, if there be one. (12) The probate judge of such county. (13) The occupant of a position in the classified service of such county. Such commission member shall be elected in October of each year by the classified employees of such county, and his term as commission member shall begin November 1st thereafter and terminate October 31st in the next succeeding year. Such commission member shall not hold over beyond such term. Every such election shall be fairly noticed and held. Such election shall be called and conducted by the chairman of the commission. (14) The occupant of a position in the classified service of a municipality in such county. Such commission member shall be elected in October of each year by the classified employees of such county and his term as commission member shall begin November 1st thereafter and terminate October 31st in the next succeeding year. Such commission member shall not be held over beyond his term. Every such election shall be fairly noticed and held. Such election shall be called and conducted by the chairman of the commission. No employee of a municipality shall succeed himself as a member of the commission, and no employee of any municipal police or fire department shall suc-

ceed any other employee of any municipal police or fire department as a member of the commission, and no employee of any other municipal department shall succeed an employee of the same municipal department as a member of the commission, and no single municipality shall have employee representation upon the commission for more than three successive terms. In the event one or more of the foregoing persons fail or refuse to serve, such fact shall not invalidate the acts of the commission, provided as many as five members of the commission serve. A majority of the persons serving as members of the commission shall constitute a quorum to do business but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by the rules and regulations of the commission. Each member of the commission, subject to this act shall be paid a per diem of ten dollars for attending a meeting of the commission. These expenses and the cost of giving notice of meetings shall be paid as other expenses of the personnel system are paid. The commission shall adopt, from time to time, such rules, regulations and modes of procedure as it deems expedient to enable it to dispatch in an orderly manner its business. The probate judge shall be chairman of said commission and shall have a vote only in case of a tie. He shall also examine and pass upon the credentials and right of each person presenting himself for membership on said commission to sit thereon both at the organizational meeting and at all subsequent meetings. Provided, however, it shall be the duty and responsibility of each organization which has a representative on this commission to present the proper credentials and qualifications of their representative to the probate judge, and it shall be the duty of the probate judge to keep or cause to be kept a permanent record of such credentials and qualifications. The probate judge shall discharge his duties hereunder, under the sanction of his oath as judge of probate and he shall administer the oath of office to the other members of such commission prescribed by Section 279 of the constitution of this state. The chairman may call upon the sheriff of the county or any deputy sheriff thereof, to attend the meetings of the commission and preserve order and execute the decisions, rulings and orders of the commission and of the chairman thereof. Provided, that if for any reason the probate judge is unable to attend because of illness or otherwise, the chief clerk to the probate judge shall act as chairman and shall be clothed with the same authority and responsibilities as are herein provided for the probate judge. The chairman may punish for contempt of the commission in like manner and extent as may be done by the circuit courts of this state. The chairman of the commission shall be the keeper and custodian of the min-

utes, records, property and paraphernalia of the commission, and may call upon the director of personnel to furnish him such clerical assistance, supplies and place of safe deposit for such records and property as he deems necessary. The chairman or the director of personnel under his supervision shall establish and keep in the office of the director of personnel a roster of the membership of the commission by place, office or position, and keep as nearly as possible up to date the changes in the persons occupying such places, offices or positions, and it shall be the duty of each person vacating a place, office or position which entitled him to a seat on such commission to notify the chairman of the name and address of the person who in his opinion, is, under the law his successor on such commission. At the organizational meeting all persons ruled eligible by the chairman to sit on said commission shall be seated as such and shall vote on all questions arising at such meeting. At any time after the organizational meeting has adjourned, any citizen of such county may file with the chairman of the commission written objection to the right of any person to sit on said commission. Such objection shall be based on the sole ground that such person is not one of those designated by this chapter for membership on such commission. The chairman shall rule upon said objection in writing and the first order of business at the next meeting of the commission shall be a report by the chairman of the objections and his ruling thereon. If no member of the commission other than the person affected by such ruling appeals from the ruling of the chairman, his ruling shall be final; if any appeal is made from the ruling of the chairman, all persons then seated, except the member affected, shall be entitled to vote on said appeal. In all matters a majority vote of the commission present, if a quorum be present, shall govern. The commission shall, except as herein otherwise provided, be the judge of the qualifications of its own membership. In addition to the original organizational meeting herein prescribed, the commission shall meet twice each year. One of such semi-annual meetings shall be held at noon on the third Tuesday in May and the other at noon on the third Tuesday in November. At the semi-annual meeting in November the commission shall receive the annual report of the personnel board and the chairman of the commission shall appoint an auditing committee from members of the commission to review and audit the books of the personnel board and director, make a written report, and deliver a copy of same to each member of the commission. At each semi-annual meeting the commission shall make such recommendations to the personnel board as it shall deem in the interest of the sound administration of this act in such county and shall fill any existing vacancy on the board, and shall elect a successor to any member of the board

whose term will expire before the next semi-annual meeting of the commission. At each semi-annual meeting, also, the commission shall review rules of the personnel board promulgated since the last semi-annual meeting of the commission, and may repeal any such rule of the personnel board which it may deem not in the interest of the sound administration of this chapter in such county, but shall not have power to amend any such rule or to promulgate any new rule within the province of the personnel board to adopt according to the provisions of this act. The word "rule" shall not be construed to mean orders, actions or decisions of the personnel board made in the administration of the act. The chairman of the commission or any five members thereof may call a meeting of the commission at the court house at the county site of the county, at noon on any Tuesday they deem it in the public interest for it to meet. Such notice shall be signed by the person or persons calling such meeting and shall state briefly the purposes of the meeting; shall be mailed to each person registered as a member of the commission or known to be such and published once each day for three consecutive days immediately preceding such meeting in some daily newspaper published in such county; if no such paper is published in the county, then by posting in a public place in the main and each branch court house in the county and in the city hall of each city in the county subject to this act more than five days before such proposed meeting. Notice of each semi-annual meeting shall be given in like manner, but failure of any member to receive notice by mail of any such meeting, either semi-annual or special, shall not invalidate it. Failure to call a semi-annual meeting shall not invalidate it. The members of the personnel board shall be subject to impeachment for the same causes and in the same manner as other county officers, as provided under Section 175 of the Constitution of Alabama."

Section 2. All law and parts of laws in conflict herewith are expressly repealed.

Section 3. Severability. If, for any reason, any clause, sentence, subsection or section, or any provision of this Act, or the application thereof to any person, body, situation or circumstance is held invalid or inoperative, the remainder of this Act and the application thereof to any other person, body, situation or circumstance shall not be affected thereby.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved: January 27, 1956.
Time: 1:32 P. M.

Act No. 18

H. 22—Meeks, Lackey, Edwards (Jefferson), Kaul, Nice, Vacca

AN ACT

To apply only in counties in the State which have a population of 400,000 or more inhabitants, according to the last or any subsequent federal decennial census, wherein the use of voting machines has been, or shall be authorized; To provide that the election precincts of the county as now established shall so remain until changed and the Board of Registrars by and with the approval of the governing body of the county shall have exclusive power to establish, change, consolidate or alter election precincts in such county; to provide that the board of registrars and the governing body of the county shall regulate and provide for the use of voting machines at all elections, special, general or primary held within the county, a political subdivision thereof or any municipality therein, and in so doing may, in the manner herein prescribed, divide any voting precinct of the county into districts, designate in each district a voting center at which the qualified electors of the district so designated may vote; to provide the time of changing boundary lines; to prescribe the number of voting machines to be maintained at each voting center; to provide for the use of paper ballots in voting centers where voting machines are not provided; to provide election officers for each voting center; to prescribe the duties of such election officers and fix their compensation; to prescribe the duties of the judge of probate in such elections; to provide for the manner of payment of such election officials; to prescribe the duties of the custodian of voting machines and the executive assistant or chief clerk of the sheriff in such elections.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties of the State of Alabama having a population of 400,000 or more inhabitants according to the last or any subsequent federal decennial census. Unless a contrary intent appears from the context, as used herein, the word "county" shall mean any county having a population of 400,000 or more inhabitants, according to the last or any subsequent federal decennial census; the word "election" shall mean any general, special or primary election held in the county, including a district, municipal, county, state or federal election; and the words "voting center" shall mean any place in the county which the board of registrars, by and with the approval of the county governing body, designates as a voting place; the words "governing body" of such county shall mean the court of county commissioners, board of revenue, county commission, or other like county governing body.

Section 2. The election precincts of the county as now established shall so remain until changed and the Board of Registrars by and with the approval of the governing body of the county shall have exclusive power to establish, change, consolidate or alter election precincts in such county. (a) Subject to the pro-

visions of sub-section (b) of this section, when the use of voting machines at elections has been, or shall hereafter be authorized, the board of registrars by and with the approval of the governing body of the county shall have the authority to designate a voting center or voting centers in the county. Such designation shall be made by a resolution adopted by the governing body of the county, which resolution shall state: (1) the location of the voting center, and (2) the boundaries of the district in which electors shall reside to be entitled to vote at said voting center. The limitations prescribed by law as to the number of electors who may reside in a voting district shall not apply to a district designated hereunder. All of the district designated for a voting center shall be located in the same precinct; and the voting center designated therefor shall be located in the district. The board of registrars by and with the approval of the governing body of the county may by resolution abolish a voting district and discontinue the voting center therein or may extend or restrict the boundaries of such voting district and retain the voting center therein, or may subdivide such voting district and designate an additional voting center therein, provided that no voting district line be changed 40 days prior to an election in said district.

(b) Except as herein expressly provided, in designating voting centers and the district for which they were established, the board of registrars and the governing body of the county shall be subject to the same laws as are applicable, regarding the change or establishment of the districts of a precinct, including but not limited to the provisions of Article 6, Chapter 1, Title 17, Code of Alabama (1940).

Section 3. The voting list of any district which is furnished the election officers serving at the voting center designated for such district shall contain the names of all qualified electors of the district on a single roll. However, when the roll contains more than twelve hundred names the poll list or roll shall be divided into sections of not more than twelve hundred names per section. Except as herein otherwise provided, the laws applicable to the preparation, distribution, publication, and checking of poll lists shall apply to the poll list of a district for which a voting center has been established by the board of registrars and the governing body of the county pursuant to authority hereby conferred.

No elector shall vote at any voting center other than the voting center of the district of which he is a qualified elector, but any elector eligible to vote at a voting center may vote at such voting center, upon presentation of the identification card issued to him by an election officer serving at such voting center.

Section 4. The board of registrars, by and with the consent of the county governing body, shall have the authority to determine at what voting centers voting machines shall be used and at what voting centers paper ballots shall be used, provided paper ballots shall not be used in voting centers when the roll contains more than 300 names on the poll list.

The number of voters for each voting machine in any election shall be determined by the board of registrars with the approval of the governing body of the county.

Paper ballots shall not be used in any voting center where voting machines are installed, except as provided for under Section 110 of Title 17 of the 1940 Code of Alabama and for casting a challenged vote as authorized by law.

Section 5. For each voting center where only one (1) machine is used there shall be a Chief Inspector, an Assistant Chief Inspector, and two (2) Clerks. For each additional machine, there shall be one (1) additional Clerk. For each voting center where a split poll list is necessary, there shall be two (2) additional Clerks. Where paper ballots are used exclusively, the provisions of law applicable to the use of paper ballots shall apply as to the number and designation of election officials in such voting centers.

It shall be the duty of the chief inspector and the assistant chief inspector to attend the school of instruction which may be provided by the election commission of the county.

The duties of the assistant chief inspector shall be, in addition to his other duties, to manage and (handle) machine number one at each voting center and to be assisted by an additional clerk for each additional machine in said voting center. It shall be the chief inspector's duty to act as returning officer, and it shall be his duty to secure all election supplies from the sheriff's office before the election day. He shall keep the said supplies in his possession and deliver them to his voting center before the polls open on election day. It shall be the chief inspector's duty where voting machines are used to see that each machine number, protective counter number, public counter number, and seal number is properly checked and also that zeros are by each candidate's name or question, as the case may be, before the polls open. He shall make certificates of results, as required by law; and it shall be his duty to see that the certificates of results are properly completed and, with the other election reports that are designated for the returning officer, are returned to the sheriff's office immediately after their being completed, upon closing of the polls, and not later than 9:00 A. M. the following day after the election.

It shall be the duty of the judge of probate to prepare a form of a certificate of results that will show the results of each machine or of each ballot box in the voting center on one certificate. The form shall carry the number of each machine showing the serial number, the protective counter number and the name of each candidate. This certificate shall be made up in pad form, with carbon, so that an original and the necessary copies can be made. It shall be the duty of the inspector, the assistant chief inspector, and the clerks to check and re-check the results of votes cast for each candidate on each machine, or ballot box in the event paper ballots are used. The necessary certificates of results for each voting center, showing the results for each machine, shall be prepared. One certificate shall be posted at the polling place; one certificate shall be delivered to the chairman of each county and state executive committee of each political party participating in the election, in the case of a primary election; one certificate shall be delivered to the judge of probate to be used in case of a contest; and one certificate shall be delivered to the sheriff's office for the use of the press and radio. In a general election, it shall be the duty of the election officials to furnish a certificate of results to the sheriff of the county, and no such certificates shall be required to be delivered to the chairmen of the county and state executive committees of the political parties participating in the election. The Chief Inspector, the Assistant Chief Inspector, and any two clerks assigned to the voting center must sign each and all of the certificates of results.

In all city and municipal elections held on the same day and time of any state and county elections, the election officials shall be paid by said municipality one half of the per diem herein provided, as though an independent election were held at a different date and time. The compensation of the election officials shall be in addition to the cost and expenses of rental and the use of voting machines by said municipality.

Election officials shall serve only in the election that they are subpoenaed for.

The chief inspector shall be paid \$15.00 plus mileage, as now provided by law for bringing in the election returns, as returning officer. The assistant chief inspector shall be paid \$10.00. Each clerk shall be paid \$8.00 per day. Provided, however, that where paper ballots are used exclusively, the provisions of law applicable to the use of paper ballots shall apply as to the amount which each election official in such voting centers shall be paid.

Section 6. It shall be the duty of the custodian of the voting

machines properly to set the names of all candidates certified before the day of election. It shall also be the duty of the custodian properly to set the number of machines for each voting district as may be designated by the board of registrars, by and with the consent of the governing body of the county.

The custodian shall cause to be delivered the number of machines to the respective voting centers, as heretofore designated by the board of registrars with the approval of the governing body of the county, before 7:00 A. M. on the day of election.

Also, it shall be the duty of the board of registrars, by and with the approval of the county governing body, to furnish to the chairman of each county and state executive committee of each political party participating in the election and to the election commission of the county, not later than forty-five (45) days before an election, the number of machines to be used in any election, and a list of voting centers where paper ballots are to be used. Provided, that in case of a run-off primary, the number of machines to be used and a list of voting centers where paper ballots are to be used shall be furnished as provided herein not later than fourteen (14) days before such run-off primary.

Section 7. It shall be the duty of the sheriff's executive assistant or chief clerk and the custodian of voting machines to check each voting machine and record the machine number, the precinct and district to which each machine is assigned, the protective counter number, and the public counter number, and also to see that all zeros show by each candidate's name or question, as the case may be, and to seal the machine with a numbered seal and record the seal number along with the above mentioned numbers. This record shall be certified by the sheriff's executive assistant or chief clerk and the custodian, and shall be filed with the judge of probate and retained in the probate office in conjunction with other election records as now provided for by law.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. The provisions of this Act are cumulative and remedial, and shall in no respect be construed as a repeal of any existing legislation except in case of direct conflict with the provisions of this Act.

Section 10. This Act shall become effective twenty days after its passage and approval by the Governor.

Approved: January 27, 1956.
Time: 1:34 P. M.

Act No. 19

S. 9—Eddins

AN ACT

To authorize all cities or towns in the State of Alabama having a population of 6500 and not more than 6900 according to the last or any subsequent federal or municipal census to provide for the designation of the members of the governing body of all such cities; to provide that in all general elections for the election of members of the governing body in such cities, each such position shall be filled and shall be designated separately and shall appear separately on all ballots in such election; to provide that each candidate for election in such election shall designate the position to which he is seeking election; to provide that a certificate of election shall only be given to the candidate who receives a majority of the votes cast for his office; to provide that if no candidate receives a majority of the votes for any office of such cities a new election shall be held at which election the two candidates receiving the highest number of votes in the first election for such office shall run, and that the candidate receiving the highest number of votes in the run-off election shall be elected; to provide the manner in which either of the candidates receiving the highest number of votes in an election in which no candidate receives a majority of the votes cast shall decline to run for said office; to provide that the governing body of such cities shall decide the successful candidate in the event of a tie vote in a run-off election; to provide that except as otherwise provided all elections held under the terms of this act shall be held in accordance with the general municipal election laws of the State of Alabama pertaining to the mayor-council form of government; and to provide that all laws or parts of laws in conflict with this act are repealed.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in cities having a population of not less than 6500 nor more than 6900 inhabitants, according to the last or any subsequent decennial census of the last or any subsequent decennial census of the United States, or according to any municipal census taken either under the provisions of Article 3, Chapter 10, Title 37, Code of Alabama (1940), as amended, or of Act No. 845, S. 142, approved September 19, 1953 (Acts of Alabama, Regular Session, 1953, p. 1136).

Section 2. There shall be elected at each general municipal election the following officers who shall compose the City Council, and who shall hold office for four years and until their successors are elected and qualified, and who shall exercise the legislative functions of city government and any other powers and duties which are or may be vested by law in the City Council or its members:

1. Councilman, place number one
2. Councilman, place number two
3. Councilman, place number three
4. Councilman, place number four
5. Councilman, place number five

All of which said councilment shall be elected from the city at large. The same person shall not be a candidate or be permitted to file his statement of candidacy for more than one of such places, and should a run-off be necessary, such a candidate may enter the election for only the place for which he announced his original statement of candidacy, and no ballot shall be counted for any candidate in any election, except for the place or number for which he announced in his statement of candidacy.

Section 3. Within the term provided by the general municipal election laws for the delivery of the boxes, the council shall proceed to open the same and canvass the returns. If any candidate for office in said election has received a majority of the votes cast for that office, then such candidate shall be declared elected to such office and a certificate of election shall be given to such person by the council or other governing body, which shall entitle the person so certified to the possession of their respective offices immediately upon the expiration of the term of their predecessors as provided by law. If no candidate receives a majority of all the votes cast in such election for any one office or offices for the election to which there were more than two candidates, or in the event of a tie vote between two or more persons for the same office, then, in either event, the council or other city governing body shall, not later than three days after such election order a new election to be held not later than seven days after such election, at which election the two candidates receiving the highest number of votes in the first election for such office or offices shall run and the person receiving the highest number of votes shall be declared elected. In the event either of the two candidates receiving the highest number of votes in the first election shall determine not to enter the runoff election herein provided for, he shall, as soon as possible and not later than three days after the holding of the first election, certify his declaration not to enter such second election to the council or other city governing body and upon receipt of such notification such governing body shall declare the other candidate elected to such office and such candidate shall receive a certificate of election and no second election need be held for that particular office, nor shall the name of the party so de-

clining to run be printed on the ballot of any second election held under the provisions of this section. In the event there should be a tie vote cast at any such run-off election, then, in such event, such tie shall be decided by the council or other governing body. This section shall apply in all elections and to all candidates for any municipal office.

Section 4. Except as otherwise provided herein all elections held under the terms of this act shall be held in accordance with the general municipal election laws of the State of Alabama pertaining to the mayor-council form of government.

Section 5. All laws or parts of laws in conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: January 30, 1956.

Time: 8:00 A. M.

Act No. 20

S. 13—Reeves

AN ACT

Relating to Pike County; providing that in all criminal cases in the County Court and in the Circuit Court of said County where the State convicts, the witness fees and mileage of State's witnesses shall be paid from the general fund of said County and that all monies received by the Clerks of said Courts as witness fees and mileage for State's witnesses in such cases shall be paid into the general fund of said County.

Be It Enacted by the Legislature of Alabama:

Section 1: In all criminal cases in the County Court and in the Circuit Court of Pike County where the State convicts, the witness fees and mileage of all State's witnesses shall be paid out of the general fund of said County.

Section 2: All monies received by the Clerks of said Courts as witness fees and mileage for State's witnesses in such cases shall be paid into the general fund of said County.

Section 3: All laws or parts of laws in conflict with the provisions hereof are hereby repealed.

Section 4: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: January 30, 1956.

Time: 8:31 A. M.

Act No. 21

H. 2—McLendon, Crook

AN ACT

To authorize the Sheriff of Bullock County, Alabama to appoint one additional deputy sheriff and to fix his tenure of office and prescribe his duties and fix his compensation and to authorize the Judge of Probate to pay the same by warrant out of the general funds of the County and to require said deputy sheriff to give bond in the sum of \$2,000.00 payable to said Sheriff with conditions as required by Section 35 Title 41 of the Alabama Code of 1940, subject to the Court of County Commissioners of Bullock County making an appropriation for the payment of the same.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Sheriff of Bullock County, Alabama is hereby authorized and empowered to appoint one additional special deputy sheriff who shall hold office at the pleasure of the Sheriff and whose duties shall consist primarily of enforcing the laws of Bullock County and such other services or duties as may be required of him by the Sheriff and pertaining to the Sheriff's office.

Section 2. That such additional deputy sheriff shall not be appointed by the Sheriff unless or until the Court of County Commissioners of Bullock County, Alabama has made an appropriation out of which said deputy sheriff's salary is to be paid and it shall be discretionary with the said Court of County Commissioners as to whether such appropriation is made.

Section 3. That the said deputy sheriff, to be designated by the Sheriff at the time of appointing him, shall receive as compensation not less than \$150.00 per month and not more than \$200.00 per month, payable monthly.

Section 4. That the Judge of Probate of Bullock County, Alabama is hereby authorized to draw warrants in favor of said deputy sheriff, each month for the preceding months work on the certificate of said Sheriff that said work has been performed for such amount, as is provided in Section 3 of this Act, said warrant to be paid out of the general funds of said County, provided that said Judge of Probate shall not issue any warrant unless an appropriation has been made therefor as provided in Section 2 of this Act.

Section 5. That said Sheriff may require said deputy sheriff to make bond payable to him in the sum of \$2,000.00, conditioned as required by Section 35 Title 41 of the Alabama Code of 1940.

Section 6. That this Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: January 30, 1956.
Time: 8:33 A. M.

Act No. 22

H. 28—Brown (Lamar)

AN ACT

To re-establish the fine and forfeiture fund in the county treasury of Lamar County, and repealing Act No. 455, H. 877, approved September 25, 1947, which abolished the fine and forfeiture fund of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. All fines and forfeitures collected in courts in Lamar County shall go to the county, and shall be paid into the county treasury to the credit of the fine and forfeiture fund. Such fund, and the receipts thereof and the disbursements therefrom shall be governed by the provisions of Chapter 19 of Title 15, Code of Alabama (1940).

Section 2. Act No. 455, H. 877, approved September 25, 1947 (Local Acts of 1947, Regular Session, p. 318), which abolished the fine and forfeiture fund of Lamar County, is hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: January 30, 1956.
Time: 8:35 A. M.

Act No. 23

H. 35—Simon, Murphy, Tyson

AN ACT

To amend Act No. 370, S. 439, approved August 21, 1953 (Acts of 1953, Vol. I, p. 439), which relates to the powers of the governing bodies of municipalities in any county having a population of more than 225,000 and less than 500,000 inhabitants, according to the last or any future federal census, with respect to the appointment, suspension, and discharge of a chief of police.

Be It Enacted by the Legislature of Alabama:

Section 1. Section One of Act No. 370, S. 439, approved August 21, 1953, (which Act relates to the powers of the governing bodies of municipalities in any county having a population of more than 225,000 and less than 500,000 inhabitants, according to the last or any future federal census, with respect to the appointment, suspension, and discharge of a chief of police—Acts of 1953, Vol. I, p. 439) is amended to read as follows:

"SECTION ONE. The governing body of any city or town in any county in the State of Alabama having, according to the last or any future federal census, a population in excess of 225,000 inhabitants and less than 500,000 inhabitants may, in its sole discretion, by the adoption of a resolution or ordinance, provide that the governing body of such city or town shall have the exclusive power and authority to hire, demote, suspend or discharge the chief of police of such city or town and to fix his compensation, not to exceed seven thousand two hundred dollars (\$7,200.00) per annum, and his working conditions, and from and after the adoption of such resolution or ordinance, such exclusive power and authority shall be vested in the governing body of such city or town, and if such city or town be subject to any countywide civil service system, the personnel director and personnel board and other officials of any such countywide civil service system shall have no rights, powers or duties with reference to the hiring, demotion, suspension or discharge of the chief of police of such city or town or with respect to the fixing of his compensation or with respect to prescribing his working conditions.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: January 30, 1956.

Time: 8:36 A. M.

Act No. 24

H. 37—Boyd, Bassett

AN ACT

Relating to the Office of the Circuit Solicitor of the Twelfth Judicial Circuit: Creating a fund for the use of certain state officers of said Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1: All Circuit Solicitors' fees imposed by the Circuit Court and hereafter collected in the Twelfth Judicial Circuit of Alabama under the provisions of section 85 of Title 11, Code of Alabama, 1940, as amended, shall be paid into the county treasury of the county where the fee is imposed to be used and expended as provided in Section two hereof.

Section 2: The Circuit Solicitor or the Circuit Judge of the Twelfth Judicial Circuit is hereby authorized to requisition expenditures against said fund for the payment of all and any expenses necessarily incurred by each in the discharge of the duties of his respective office or in promoting its welfare; and

also for supplies, books, fixtures and facilities for use by or in the office of the Circuit Judge, Circuit Solicitor or in the Court room. No requisition shall be made on the fund in any county of the circuit not sharing in the benefits flowing from such expenditure.

Section 3: All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4: This Act shall become effective immediately upon its passage or upon its otherwise becoming a law.

Approved: January 30, 1956.

Time: 8:40 A. M.

Act No. 25

H. 1—Grouby

AN ACT

To regulate further the election of the mayor and members of the city council of the City of Prattville in Autauga County.

Be It Enacted by the Legislature of Alabama:

Section 1. The city council of the City of Prattville in Autauga County is hereby authorized, directed and required to designate the positions or places on the council by number, and every candidate for membership on the council shall, in the announcement of his candidacy, designate the number of the place on the council for which he is a candidate, and the ballots used at the election shall be numbered accordingly. Whenever there are more than two candidates for the office of mayor, or whenever there are two or more candidates for any place on the council, a majority of the votes cast at an election shall be a prerequisite to election to these respective offices.

Section 2. Immediately after canvassing the returns from a regular municipal election in which there were more than two candidates for the office of mayor, or in which there were more than two candidates for the same place on the council, the city council shall declare a candidate for either of these offices elected, and shall issue to him a certificate of election, only if he receives a majority of the votes cast at such election for such office. If it appears from a canvass of the returns that no candidate for mayor received a majority of the votes cast at the election, or that no candidate for a place on the council received a majority of the votes cast at the election for the office for which he was a candidate, the city council shall certify this fact, and shall order a second or run-off election to be held seven days after the first election. The two candidates receiving the

highest and next highest number of votes in the first election for the office of mayor or for the place on the council to be filled, as the case may be, shall be candidates in the run-off election. In the event one of the two candidates for mayor or one of the two candidates for a place on the council withdraws from the race, no run-off election shall be held for that office, and the remaining candidate shall receive a certificate of election signed by the city council, or a majority of them.

Section 3. In the event a vacancy on the city council or in the office of mayor occurs more than six months before the date of the next regular election at which the mayor or any member of the council is to be elected, the remaining members of the governing body of the City of Prattville shall immediately call a special election for the purpose of filling the vacancy for the unexpired term. The city council must give notice of the election at least ten days before the date the election is to be held, by publication in some newspaper published in the municipality, if any is published therein, and if not, by writing posted at three public places in the municipality. Such special election shall be conducted in the same manner that regular elections of the members of the city governing body are conducted, except as otherwise provided herein.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: January 30, 1956.

Time: 8:40 A. M.

Act No. 26

S. J. R. 21—James, Goodwin

SENATE JOINT RESOLUTION

Whereas the State has lost one of its finest citizens in the death of the Honorable Wiley Howard Cooper, a former member of the Senate of Alabama, who represented the counties of Bibb and Perry for four terms in this body, having been elected to serve during the years 1914-18, 1930-34, 1938-42, and 1946-50, and

Whereas the Honorable Wiley Howard Cooper served with

honor and distinction as a member of the Legislature, and earned by his ability and integrity the deep respect and admiration of his colleagues and constituents; now therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA,
THE HOUSE OF REPRESENTATIVES CONCURRING:

1. That the Legislature hereby expresses the great sense of loss felt by the members of this body upon the passing of the Honorable Wiley Howard Cooper and extends the heartfelt sympathy of this body to the surviving members of his family.

2. That a separate page of the journal of the Senate be set apart for the preservation of this resolution and as a memorial to the memory of the Honorable Wiley Howard Cooper.

That the Secretary of the Senate transmit a copy of this resolution to the bereaved family.

Approved: January 30, 1956.
Time: 8:41 A. M.

Act No. 27

S. 7—Davis (Pickens)

AN ACT

To alter and re-arrange the boundaries of the Town of Gordo, Pickens County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the Town of Gordo, in the County of Pickens, be and the same hereby are altered and re-arranged so as to include within the corporate limits of the said Town of Gordo, all the following described territory, to-wit:

The East Half ($E\frac{1}{2}$) of Southeast Quarter ($SE\frac{1}{4}$) of Northwest Quarter ($NW\frac{1}{4}$), the East Half ($E\frac{1}{2}$) of East Half ($E\frac{1}{2}$) of Southwest Quarter ($SW\frac{1}{4}$), and the East Half ($E\frac{1}{2}$), Section Eight (8);

All of Section Nine (9);

The West Half ($W\frac{1}{2}$) of Southwest Quarter ($SW\frac{1}{4}$) of Northwest Quarter ($NW\frac{1}{4}$), and the West Half ($W\frac{1}{2}$) of West Half ($W\frac{1}{2}$) of Southwest Quarter ($SW\frac{1}{4}$), Section Ten (10);

The West Half ($W\frac{1}{2}$) of Northwest Quarter ($NW\frac{1}{4}$) of Southwest Quarter ($SW\frac{1}{4}$), and the West Half ($W\frac{1}{2}$) of West Half ($W\frac{1}{2}$) of Northwest Quarter ($NW\frac{1}{4}$), Section Fifteen (15);

The North Three Fourths ($N\frac{3}{4}$), Section Sixteen (16); and,

The East Half ($E\frac{1}{2}$) of Northeast Quarter ($NE\frac{1}{4}$) of Southwest Quarter ($SW\frac{1}{4}$), the East Half ($E\frac{1}{2}$) of East Half ($E\frac{1}{2}$) of Northwest Quarter ($NW\frac{1}{4}$), the North Half ($N\frac{1}{2}$) of Southeast Quarter ($SE\frac{1}{4}$), and the Northeast Quarter ($NE\frac{1}{4}$), Section Seventeen (17);

All in Township Twenty (20) South, Range Thirteen (13) West, in Pickens County, Alabama.

Section 2. BE IT FURTHER ENACTED, that all laws and parts of laws, either general or special, in conflict with the provisions of this Act, be and the same hereby are repealed.

Section 3. That this act shall go into effect upon approval by the Governor.

Approved: January 30, 1956.

Time: 10:00 A. M.

Act No. 28

S. 8—Yarbrough (Autauga), Flowers, Shelton, Roberts, Givhan, Grisham, Engelhardt, Yarbrough (Randolph), Cantrell, Reeves, Calvin, Little, Skidmore, Robinson, Cooper, Vann, Boutwell, Leonard, Bradford, Eddins, Goodwin, James, Davis (Pickens)

AN ACT

To make Alabama College a coeducational institution of higher learning, amending sections 458 and 466 of Title 52, Code of Alabama (1940).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 458 of Title 52, Code of Alabama (1940) is amended to read as follows:

“Section 458. Purpose.—The Alabama college is established for the purpose of giving therein instructions in the liberal arts and sciences and in technical and professional subjects suitable for both men and women. Departments or subjects of instruction may be established from time to time by the trustees upon the recommendation of the president and faculty.”

Section 2. Section 466 of Title 52, Code of Alabama (1940) is amended to read as follows:

“Section 466. Who may be admitted to college.—Any white

boy or girl, man or woman, residing in Alabama, of good moral character, in good health, and of sufficient physical and mental development, to be judged of by the president, who shall comply with all the requirements prescribed by the trustees, may be admitted into the college, and upon completing the course of study prescribed at the time of his or her admission, to the satisfaction of the faculty, shall receive the certificate, diploma, or degree he or she may have earned. Whenever the accommodations of the college are sufficient to admit more students than apply from Alabama, then students from other states or countries may be received and instructed in the college upon such terms and conditions as may be imposed by the president or trustees."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: January 30, 1956.
Time: 10:01 A. M.

Act No. 29

H. 3—McLendon, Crook

AN ACT

Relating to the General, Road and Bridge, and Gasoline Funds of Bullock County: providing for the transfer of funds from the General and/or Road and Bridge Fund, providing for the use for which the funds must be used after transfer is made to the Gasoline Fund and further that the transfer of any monies heretofore and hereafter transferred from the General and/or Road and Bridge Fund to the Gasoline Fund may be transferred or paid back into the General Fund and/or Road and Bridge Fund from the Gasoline Fund. To further provide the procedure in carrying out said Act.

Be It Enacted by the Legislature of Alabama:

Section One. The Court of County Commissioners or Board of Revenue or other like governing body of Bullock County may, upon proper resolution, transfer to the Gasoline Fund of the County any surplus of the General Fund or Road and Bridge Fund of the County in the County Treasury or any part of such surplus whenever, in the judgment of such Court or Board or like governing body, it will promote the interest of the County to make such transfers. Any surplus of the General Fund or Road and Bridge Fund so transferred shall be used only for the working of the public roads or the building of the bridges or otherwise improving the roads of the County or for other work relating to the roads and/or bridges of the County.

Section Two. Any funds that heretofore have been trans-

ferred or which may hereafter be transferred from the General Fund and/or the Road and Bridge Fund of Bullock County to the Gasoline Fund of the County and used for the working of the public roads or the building of bridges or otherwise improving the roads of the County or for any other work relating to the roads and/or bridges of the County may, upon proper resolution of the County Governing Body, be transferred from or repaid out of the Gasoline Fund of the County to the General Fund and/or the Road and Bridge Fund of the County in such amount as was previously transferred from the General Fund and/or Road and Bridge Fund to the Gasoline Fund of the County.

Section Three. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Section Four. That if any section, word, paragraph, sentence, clause, provision, or portion of this Act be held unconstitutional or invalid it shall not effect any other section, paragraph, sentence, clause, provision, or portion of this Act.

Approved: January 30, 1956.
Time: 10:05 A. M.

Act No. 30

H. 30—Dement

AN ACT

To amend further Section 2 of the Act approved July 27, 1931 (Act No. 541, S. 578, Local Acts, 1931, p. 258) entitled "An Act To create and establish a Board of Revenue in and for Limestone County, Alabama, to be composed of five members, one of whom shall be chairman of said board; to fix the qualifications of the chairman and the members of said board; to provide where the chairman and members of said board shall reside during their term of office; to abolish the Court of County Commissioners of said County; to divide said County into four districts and to define the boundaries of each of said districts; to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed; to provide for the appointment of the chairman of said board and to fix the term of his office under said appointment; to provide for the filling of vacancies in said board; to provide for the nomination of the chairman and each member of said board; to provide for the election of the chairman of the said board and the members designated, declared and appointed by this Act at the expiration of their respective terms of office; to define the power and jurisdiction of the said board; to fix the compensation of the chairman and members of said board; to confer upon the said board all the jurisdiction, power and authority granted by law to Courts of County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; to repeal all laws in conflict with this Act."

Be It Enacted by the Legislature of Alabama:

Section 2 of the Act approved July 27, 1931 (Act No. 541, S. 578, Local Acts, 1931, p. 258) entitled "An Act To create and establish a Board of Revenue in and for Limestone County, Alabama, to be composed of five members, one of whom shall be chairman of said board; to fix the qualifications of the chairman and the members of said board; to provide where the chairman and members of said board shall reside during their term of office; to abolish the Court of County Commissioners of said County; to divide said County into four districts and to define the boundaries of each of said districts; to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed; to provide for the appointment of the chairman of said board and to fix the term of his office under said appointment; to provide for the filling of vacancies in said board; to provide for the nomination of the chairman and each member of said board; to provide for the election of the chairman of the said board and the members designated, declared and appointed by this Act at the expiration of their respective terms of office; to define the power and jurisdiction of the said board; to fix the compensation of the chairman and members of said board; to confer upon the said board all the jurisdiction, power and authority granted by law to Courts of County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; to repeal all laws in conflict with this Act," as amended in 1951, is amended further to read as follows:

"Section 2. That for the purpose of this Act and the enforcement thereof, the said County of Limestone is hereby divided into four (4) subdivisions, to be known as Districts, and numbered respectively from one (1) to four (4) both inclusive. District number one (1) shall include the following territory: Beginning at the northeast corner of Limestone County, being also the northeast corner of Township 1, South, Range 3 West, and running thence west along the State Line a distance of about thirteen and three fourths ($13\frac{3}{4}$) miles to the center of Elk River, thence in a southerly direction with said river to the point where said river intersects the south boundary of Township 1, South, thence east with said Township Line about four (4) miles to a point where the south boundary of Township 1, South, intersects the Athens-Bethel Road, thence in a southerly direction with said road and Jefferson Street to the intersection of Jefferson and Market Street at the northwest corner of the courthouse square, thence with the center of Market Street east to Clinton street, thence with the center of Clinton Street north to Pryor Street, thence in a northeasterly direction with the center

of Pryor Street and the Bee Line Highway to the west boundary of Range 3, West, thence north with the said range line about one and one fourth ($1\frac{1}{4}$) miles to the southwest corner of Section 19, Township 2, South, Range 3, West, thence east along the section line a distance of six (6) miles to the southeast corner of Section 24, Township 2, South, Range 3, West, which is the east boundary of Limestone County, thence north with the said east boundary a distance of ten (10) miles to the point of beginning. District number two (2) shall include the following territory: Beginning in the center of the Tennessee River and at the southeast corner of Limestone County and running thence north along the east boundary of Limestone County a distance of twenty and one fourth ($20\frac{1}{4}$) miles to the northeast corner of Section 25, Township 2, South, Range 3, West, thence west with the section line a distance of six (6) miles to the west boundary of Range 3, West, thence south along said range line one and one fourth ($1\frac{1}{4}$) miles to the center of the Bee Line Highway, thence in a southwesterly direction with said highway and Pryor Street to the intersection of Pryor and Clinton Streets in the City of Athens, thence south along the center of Clinton Street to the center of Market Street, thence west along the center of Market Street to the center of Marion Street at the north east corner of the Courthouse square, thence south along the center of Marion Street to the center of Washington Street, at the southeast corner of the Courthouse square, thence east along the center of Washington Street to the center of the Louisville and Nashville Railroad where it crosses the said Washington Street, thence south along the center of said railroad to the south boundary of Section 20, Township 3, South, Range 4, West, thence east along said section line about four (4) miles to the center of Piney Creek, thence in a southerly direction with said creek to the center of the Southern Railroad where it crosses said creek, thence in a southwesterly direction along the center of the Southern Railroad to the center of the Tennessee River, thence in a southeasterly direction with the center of the Tennessee River to the point of beginning. District number three (3) shall include the following territory: Beginning at a point on the west boundary of Limestone County, said point being in the center of Elk River where the west boundary of Section 6, Township 3, South, Range 6, West intersects the center of said river and running thence with the center of Elk River to the center of the Tennessee River, thence in a southeasterly direction with the center of the Tennessee River to the center of the Southern Railroad, thence in a northeasterly direction with the center of the Southern Railroad to the center of Piney Creek, thence in a northerly direction with the center of Piney Creek to the South boundary of Section 24, Township 3, South, Range 4, West,

thence west with the said south boundary to the center of the Louisville and Nashville Railroad, thence in a northerly direction with the center of the L & N Railroad to the center of Washington Street in the City of Athens, thence west along the center of Washington Street to the center of Jefferson Street, thence north with the center of Jefferson Street to the center of Market Street, thence in a northwesterly direction with the center of Market Street and the Buck Island Road to the west boundary of Range 4, west, thence north with the range line to the southeast corner of Section 36, Township 2, South, Range 5, West, thence with the south boundary of Township 2, south to the center of Elk River, thence along the center of Elk River to the west boundary of Limestone County which is the point of beginning. District number four (4) shall consist of the following territory: Beginning at the northwest corner of Limestone County the same being the northwest corner of Township 1, South, Range 6, west, and running thence south along the line which separates Limestone and Lauderdale Counties, to the center of Elk River, thence in an easterly direction along the center of Elk River to the southwest corner of Section 35, Township 2, South, Range 6, west, thence east along the Township line a distance of eight (8) miles to the southeast corner of Township 2, South, Range 5, West, thence south with the Township line to the center of the Buck Island Road, thence in a southeasterly direction with the center of the Buck Island and Market Street to the center of Jefferson Street, thence in a northerly direction with the center of Jefferson Street and the Athens-Bethel Road to the south boundary of Township 1, South, thence west along said Township line to the center of Elk River, thence in a northerly direction with the center of Elk River to the northern boundary of Limestone County, thence west along the State line a distance of about ten (10) miles to the point of beginning."

Approved: January 30, 1956.

Time: 10:06 A. M.

Act No. 31

H. 51—Selman, Shumate

AN ACT

For the relief of Hager Oil Company of Jasper, Alabama; authorizing, directing, and requiring the court of county commissioners, board of revenue, or like governing body of Walker County to pay Hager Oil Company the sum of four hundred ninety-seven dollars and seventy-five cents (\$497.75) as compensation for damage to its property.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or like governing body of Walker County, Alabama, is here-

by authorized, directed, and required to draw or cause to be drawn a warrant on any funds in the county treasury not otherwise appropriated in favor of Hager Oil Company of Jasper, Alabama, in the sum of four hundred ninety-seven dollars and seventy-five cents (\$497.75), as compensation to said Hager Oil Company for property damage sustained as a result of the destruction of a gasoline pump at Sanford's Grocery, Route 1, Parrish, Alabama, on January 21, 1955, by a county vehicle operated by one James Tubbs, a county employee, under such circumstances that the said Hager Oil Company has no recourse at law to recover damages or compensation.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: January 30, 1956.
Time: 10:08 A. M.

Act No. 32

H. 8—Huddleston

AN ACT

To propose an amendment to the Constitution of Alabama relating to the costs and charges of courts, and fees, commissions, percentages, allowances and compensation of certain officers of Colbert County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment of the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

AMENDMENT

"The legislature may from time to time, by general or local laws, fix, alter, and regulate the costs and charges of court and the fees, commissions, percentages, allowances and compensation to be charged or received by the judge of probate, sheriff, clerk and register of the circuit court, tax assessor, and tax collector of Colbert County, or any other county officer on a fee basis, and may place any of such officers on a salary, and provide that the fees, commissions, percentages, and allowances collected by such officers shall be paid into the county treasury from which their salaries shall be paid. Any law changing the basis of compensating any of said officers may be made effective during the term for which he was elected or appointed, any provision of this Constitution or any amendment thereto to the contrary notwithstanding."

Section 2. An election upon the proposed amendment shall be held on the first Tuesday in May 1956, unless said day arrives before the expiration of three months from the date of final adjournment of the current session of the Legislature, in which event, the election shall be held on the same day as the general election in November 1956.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House January 10, 1956.

Passed the Senate January 27, 1956.

Act No. 33

S. 3—Skidmore

AN ACT

To alter, arrange, and extend the boundary line of the City of Tuscaloosa, In Tuscaloosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Corporate Limits of the City of Tuscaloosa, Tuscaloosa County, Alabama, be changed and extended to include the following separate territories:

Parcel 1. Start at the Northwest corner of the Southeast Quarter of Section 28, Township 21 South, Range 10 West and run thence South along the West boundary line of East half of said Section 28 a distance of 660.1 feet to a point, which said point is the point of beginning and also the Northeast corner of Lot 1 of Washington Square Subdivision, a map or plat of which is on record in Plat Book 6 at page 47 in the Probate Office of Tuscaloosa County, Alabama; thence with a deflection angle of 94 degrees 20' to the right run Westerly along the Northern boundary line of said Washington Square Subdivision a distance of 1237.0 feet to a point; thence with an interior angle of 86 degrees 18' run in a Southerly direction a distance of 395.20 feet to a point; thence with an interior angle of 93 degrees 42' run Easterly a distance of 209.96 feet to a point; thence run in a Southerly direction along the West boundary line of Lots 48, 49 and 50 of said Washington Square Subdivision

and the Northerly extension thereof a distance of 210.18 feet to the Southwest corner of said Lot 50; thence with an interior angle of 91 degrees 12' run Easterly to a point on the West boundary line of the East half of said Section 28; thence run Northerly along the said West boundary line of said East half of Section 28 to the point of beginning.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved: January 27, 1956.

Time: 12:31 P. M.

Act No. 34

H. 36—Windle

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of the Town of Carrollton in Pickens County, Alabama.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. Be it enacted by the legislature of Alabama that the corporate limits of the Town of Carrollton, Alabama, be extended so as to include all of the lands described within and by the boundaries and lines as follows:

Begin at a point one mile East from the center of the Court House, run Southwest 1.4142 miles to a point one mile south from center of Court House, thence Northwest 1.4142 miles to a point one mile west of center of Court House, thence Northeast 1.4142 miles to a point one mile north of center of Court House, thence Southeast 1.4142 miles to a point one mile East of center of Court House, the point of beginning.

Section 2. That the boundaries set out in section one of this act be, and the same are hereby established as the corporate limits of the Town of Carrollton, Alabama.

Approved: January 30, 1956.

Time: 12:20 P. M.

Act No. 35

S. 34—Flowers

AN ACT

To alter or rearrange the boundaries of the City of Dothan, Houston County, Alabama, so as to include within the corporate limits of said City all territory within such corporate limits and also certain other territory contiguous thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the City of Dothan, Houston County, Alabama, be changed to include all property within the present corporate limits and extended to include all of the territory lying between the present corporate limits and the following described boundaries:

Beginning at the southeast corner of Section 4, Township 2 North, Range 27 East, and thence running westerly along the south line of Sections 4, 5 and 6 in said Township 2 North, Range 27 East, to the southwest corner of said Section 6, thence continuing westerly along the south line of Sections 1, 2, 3 and 4, Township 2 North, Range 26 East to the southwest corner of said Section 4, Township 2 North, Range 26 East; thence running in a northerly direction along the west line of Section 4, Township 2 North, Range 26 East to the Northwest corner of Section 4, Township 2 North, Range 26 East, thence continuing northerly along the west line of Sections 33, 28, 21, 16, 9 and 4, Township 3 North, Range 26 E to the northwest corner of Section 4, Township 3 North, Range 26 E; thence running easterly along the north line of Sections 4, 3, 2 and 1, Township 3 North, Range 26 E, to the northeast corner of Section 1, Township 3 North, Range 26 E, thence continuing easterly along the North line of Sections 6, 5 and 4 in Township 3 North, Range 27 E, to the northeast corner of Section 4, Township 3 North, Range 27 E; thence running in a southerly direction along the east line of Sections 4, 9, 16, 21, 28 and 33, Township 3 North; Range 27 E, thence continuing southerly along the east line of Section 4, Township 2 North, Range 27 E, to the point of beginning, all of aforesaid land being located in Houston County, Alabama.

As thus altered and extended, the corporate limits of said City shall include all of the Sections of land lying within aforesaid boundaries.

Section 2. That this Act shall become effective immediately upon its approval by the Governor.

Approved: February 1, 1956.

Time: 10:35 A. M.

Act No. 36

H. 144—Ward, Brown (Lee)

AN ACT

To propose an amendment to the Constitution of Alabama relating to the levy and collection of a special ad valorem tax for public school purposes in the Cities of Auburn and Opelika.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

PROPOSED AMENDMENT

"The Cities of Auburn and Opelika, each, shall have, in addition to the power to levy and collect ad valorem taxes at the rate of one and one-half per centum ($1\frac{1}{2}\%$) as provided for in Amendment VIII of this Constitution, the further power to levy and collect each year an additional tax or taxes to such extent that the total ad valorem tax rate of either of these cities shall not exceed two per centum (2%) in any one year on the property situated in such city based on the valuation of such property as assessed for state taxation during the preceding year; provided, however, that all additional ad valorem tax or taxes levied and collected by either the City of Auburn or the City of Opelika in excess of one and one-half per centum ($1\frac{1}{2}\%$) shall be levied and collected solely for public school purposes and may be pledged to the payment of the principal of and interest on bonds, warrants, and other evidences of indebtedness issued for public school purposes, which pledge shall take priority as provided in such bonds, warrants, or other evidences of indebtedness, and provided, further, that before any such additional tax or taxes may be so levied and collected a majority of the qualified electors of the city voting at an election called for that purpose shall vote in favor of the levy thereof, and provided, further, that the total ad valorem tax or taxes to be levied and collected by either of these cities shall not exceed two per centum (2%) in any one year. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such elections shall specify that the proposed additional rate of taxation shall be authorized for public school purposes only and may be pledged to the payment of the principal of and interest on bonds, warrants, and other evidences of indebtedness, issued for public school purposes, which pledge shall take priority as provided in such bonds, warrants, or other evidences of indebtedness, and shall contain the words "For.....% additional rate of taxation"; and "Against.....% additional rate of taxation"; the additional rate of taxation proposed to be shown in the blank space provided therefor. The voter shall record his choice, whether for or against the additional rate shown, by

placing a cross mark before or after the words expressing his choice. The proceeds of any such ad valorem tax or taxes in excess of one and one-half per centum ($1\frac{1}{2}\%$) so authorized at any such election shall be used only for public school purposes and may be pledged to the payment of the principal of and interest on bonds, warrants, and other evidences of indebtedness issued for public school purposes, which pledge shall take priority as provided in such bonds, warrants, or other evidences of indebtedness, as authorized at such election. Elections to authorize the levy of such additional tax or taxes may be held as often as ordered by the governing body of either the City of Auburn or the City of Opelika, but when a proposition is submitted to the electors of either of these cities to levy such additional tax for public school purposes, and such proposition is defeated, then no second election shall be held in such city for one year thereafter."

Section 2. An election upon the proposed amendment is ordered to be held on Tuesday, August 28, 1956. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House January 24, 1956.

Passed the Senate January 31, 1956.

Returned to the House by the Secretary of State February 14, 1956.

Repassed by the House February 14, 1956.

Repassed by the Senate February 14, 1956.

Act No. 37

H. 140—Harrison, Ashworth, Callahan, deGraffenried, Brassell, Martin, Lee (Barbour), McKay, Ramey, Stembridge, Love, Killough, Edwards (Escambia), Lackey, Nice, Bran-
yon, Thomas, B r o w n (Lamar),

Brown (Lee), McNider, Murphy,
Ward, Dement, Selman, Gist, Gil-
christ, Kelly, Speaks, Ferrell,
Hodges, Huddleston

AN ACT

To propose an amendment to the Constitution authorizing the issuance of not more than four million dollars in principal amount of general obligation bonds of the State of Alabama for building construction and improvement purposes at the Alabama State Hospitals and at the Partlow State School for Mental Deficients.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT

"The State is authorized to become indebted for building construction and improvement purposes at the Alabama State Hospitals and at the Partlow State School for Mental Deficients, and in evidence of the indebtedness so incurred to sell and issue, in addition to all other bonds of the State, interest-bearing general obligation bonds of the State not exceeding four million dollars in principal amount. The bonds shall be general obligations of the State of Alabama and the full faith and credit and taxing power of the State are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The proceeds from the sale of such bonds are hereby appropriated and shall be used exclusively for the acquisition of building sites; for the construction, reconstruction, alteration, and improvement of building facilities, including renewal and replacement of structural parts; and for the procurement of equipment for such buildings at the Alabama State Hospitals and at the Partlow State School for Mental Deficients; provided that the expenses incurred in connection with the sale and issuance of the bonds may also be paid from such proceeds.

"All bonds issued hereunder and the interest thereon shall be payable from any funds in the State Treasury not otherwise appropriated. The bonds shall be payable in substantially equal installments of principal and interest beginning in the next fiscal year after their date. They shall bear interest at a rate not to exceed three per cent, and they shall contain a provision for their call for payment at such a time or times prior to maturity, and at such a premium, if any, as may be prescribed in the notice of sale. All bonds issued hereunder shall be sold

to the best bidder at a duly advertised public sale, upon sealed bids or at auction, and shall not be sold for less than par and accrued interest; provided, however, that bidders may be invited to name the rate or rates of interest which the bonds are to bear. The right to reject any or all bids shall be reserved. Bonds issued hereunder shall mature within twenty years from the date of issuance.

"The Legislature shall adopt appropriate enabling legislation to carry out the intent and purpose of this amendment to the Constitution."

Section 2. An election shall be held upon the proposed amendment on the first Tuesday in May, 1956, unless that day arrives before the expiration of three months from final adjournment of the current session of the Legislature, in which event the election shall be held on the same day as the next general election, in November, 1956.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House January 23, 1956.

Passed the Senate January 31, 1956.

Act No. 38

S. 65—Skidmore

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Tuscaloosa County authorizing said county to become indebted, in addition to all other indebtedness, in the amount of \$2,500,000.00 and to issue bonds in evidence thereof for the purpose of constructing and equipping a county courthouse and jail and acquiring land therefor and for approaches thereto and parking space and providing for elections with reference thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

"Tuscaloosa County may become indebted, and in evidence of such indebtedness may sell and issue its interest bearing

bonds, to the extent of not exceeding \$2,500,000.00 in principal amount, for the purpose of constructing and equipping a county courthouse and jail in said county and acquiring land therefor; provided, that before any such bonds shall be issued the question of whether said bonds shall be issued shall have first been submitted to a vote of the qualified electors of said county at an election to be called for that purpose by the governing body of said county and the issuance of said bonds shall have been authorized by a majority of said qualified electors voting at said election. The elections provided for herein shall be called, held, conducted and canvassed, and may be contested, in the manner provided by law for the calling, holding, conducting, canvassing and contesting of county bond elections, and if the issuance of said bonds shall be authorized at any such election they may be sold and issued from time to time in the manner provided by law for the authorization and sale of county bonds. In the event the voters of Tuscaloosa County do not authorize the issuance and sale of said Bonds at any election called hereunder then other elections may be called by the Governing body of Tuscaloosa County from time to time until the voters of Tuscaloosa County do authorize the issuance and sale of said bonds; provided that no two elections shall be held within one year of each other. Provided further that if the majority of the voters of Tuscaloosa County participating in the election as to the adoption of this constitutional amendment vote for such adoption of this amendment then this expression of the voters of Tuscaloosa County for this amendment shall of itself authorize the issue and sale of said bonds and then no additional election by the voters of Tuscaloosa County shall be required to authorize the issue and sale of said Bonds and such Bonds may be issued and sold as the full obligation of Tuscaloosa County without an additional election. In the event the voters of Tuscaloosa County do not authorize the issuance and sale of said Bonds at any such elections herein referred to, authorized or called hereunder then other special elections shall be called by the Governing body of Tuscaloosa County from time to time until the voters of Tuscaloosa County do authorize the issuance and sale of said bonds; provided that no two special elections shall be held within one year of each other except the first special election herein provided for; and provided further that such special elections shall be held at least once every two years until said Bonds are authorized. When authorized said bonds shall be promptly sold and such Court House and jail shall forthwith be built. Tuscaloosa County shall and is hereby specifically authorized to acquire adequate lands for said Court House and jail and approaches and parking spaces. Such Court House and jail may be built as one building or as separate buildings as the

Governing Body of Tuscaloosa County may determine and shall be properly and adequately equipped and furnished. The indebtedness herein authorized shall be in addition to all other indebtedness authorized prior to the adoption of this amendment."

Section 2. An election shall be held upon the proposed amendment on the first Tuesday in May, 1956, unless that day arrives before the expiration of three months from final adjournment of the current session of the Legislature, in which event the election shall be held on the same day as the next general election, in November, 1956.

Section 3. Notice of election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate January 26, 1956.

Passed the House February 1, 1956.

Act No. 39

S. 85—Roberts

AN ACT

To propose an amendment to the Constitution of Alabama authorizing the levy of an additional tax on property in the municipality of Gadsden.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Proposed Amendment:

"In addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, the municipality of Gadsden shall have the power and right to levy and collect a tax of not to exceed one-half of one per cent in any one year on the taxable property situated therein, based on the valuation of such property as assessed for state taxation for the tax year ending on the thirtieth day of September next succeeding the levy. The proceeds of the tax authorized herein shall be

used exclusively for the purpose of paying bonds issued and outstanding at the time of the adoption of this amendment, and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this amendment, and the interest thereon."

Section 2. An election shall be held upon the proposed amendment on the first Tuesday in May, 1956, unless that day arrives before the expiration of three months from final adjournment of the current session of the Legislature, in which event the election shall be held on the same day as the next general election, in November, 1956.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate January 27, 1956.

Passed the House February 1, 1956.

Act No. 40

S. 12—Engelhardt

AN ACT

Relating to Macon County: To authorize and empower the county board of education of Macon County to remove or terminate the contract of employment of any teacher in the public school system at any time such action is deemed necessary to promote the best interest of the schools under its jurisdiction; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of education of Macon County, Alabama, may remove or terminate the contract of employment of any teacher in the public school system of the county, whether such teacher be on continuing service status or on a probationary appointment, at any time such action is deemed necessary to promote the best interest of the schools under the board's jurisdiction. The action of the board of education in regard to any such discharge shall be final and conclusive and shall not be subject to review or modification by any officer or agency, the provisions of Chapter 13, Title 52, Code 1940, as amended, to the contrary notwithstanding; provided, however, that no teacher shall be summarily dismissed under this Act, but shall be

given a reasonable notice of the proposed action by the board and provided an opportunity to be heard.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This bill became an Act on February 2, 1956 without approval of the Governor.

Act No. 41

H. 31—Kirkham, Holliman

AN ACT

Relating to the public schools of Marengo County; authorizing and empowering the county or any city board of education in Marengo County to discharge, with or without notice or hearing, any teacher in the public school system on continuing service status, the provisions of general law relating to the tenure and employment of teachers notwithstanding.

Be It Enacted by the Legislature of Alabama:

Section 1. The county or any city board of education in Marengo County is authorized and empowered, by a majority vote of the members thereof, to discharge, with or without notice or hearing, any teacher in the public school system in Marengo County on continuing service status under the provisions of the general law relating to the tenure and employment of teachers, any provisions of Chapter 13, Title 52, Code of Alabama (1940), as amended, to the contrary notwithstanding. The action of the board in regard to any such discharge shall be final and shall not be subject to review or modification by any officer or agency.

Section 2. The provisions of this Act are severable. If any part of the Act is declared unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This bill became an Act on February 2, 1956 without approval by the Governor.

Act No. 42

H.J.R. 18—McKay, Boyd, Thomas, Solomon, Summerlin, Mathison, Stokes, Hardy, Hain, Payne, Law, Cornett, Crook, Ashworth, McLendon, Brown (Lee), Lee (Barbour), Brannan, Brooks, Dickson, Killough, Kendall, Taylor, Wood, Bassett, Davis, Nettles, Oakley, Kirkham, Holliman, Johnson (Elmore), Franklin, Faulk, Hunt, McClendon (Chambers), DeSear, Locke (Perry), Martin, Richardson, Harvey

HOUSE JOINT RESOLUTION

WHEREAS the Constitution of the United States was formed by the sanction of the several states, given by each in its sovereign capacity; and

WHEREAS the states, being the parties to the constitutional compact, it follows of necessity that there can be no tribunal above their authority to decide, in the last resort, whether the compact made by them be violated; and, consequently, they must decide themselves, in the last resort, such questions as may be of sufficient magnitude to require their interposition; and

WHEREAS a question of contested power has arisen: The Supreme Court of the United States asserts, for its part, that the states did, in fact, in 1868, upon the adoption of the Fourteenth Amendment, prohibit unto themselves the power to maintain racially separate public institutions; the State of Alabama, for its part, asserts that it and its sister states have never surrendered such rights; and

WHEREAS this assertion upon the part of the Supreme Court of the United States, accompanied by threats of coercion and compulsion against the sovereign states of this Union, constitutes a deliberate, palpable, and dangerous attempt by the court to prohibit to the states certain rights and powers never surrendered by them; and

WHEREAS the question of contested power asserted in this resolution is not within the province of the court to determine, but that as in other cases in which one party to a compact as-

serts an infraction thereof, the judgment of all other equal parties to the compact must be sought to resolve the question; be it

RESOLVED By The Legislature of Alabama, Both Houses Thereof Concurring:

That until the issue between the State of Alabama and the General Government is decided by the submission to the states, pursuant to Article V of the Constitution, of a suitable constitutional amendment that would declare, in plain and unequivocal language, that the states do surrender their power to maintain public schools and other public facilities on a basis of separation as to race, the Legislature of Alabama declares the decisions and orders of the Supreme Court of the United States relating to separation of races in the public schools are, as a matter of right, null, void, and of no effect; and the Legislature of Alabama declares to all men that as a matter of right, this State is not bound to abide thereby; we declare, further, our firm intention to take all appropriate measures honorably and constitutionally available to us, to avoid this illegal encroachment upon our rights, and to urge upon our sister states their prompt and deliberate efforts to check further encroachment by the General Government, through judicial legislation, upon the reserved powers of all states.

That the Governor is requested to transmit a copy of this resolution to the executive authority of each of the other states, and to the Congress, and to the Supreme Court of the United States for its information.

This resolution became an Act on February 2, 1956 without approval by the Governor.

Act No. 43

H. 32—Kirkham, Holliman

AN ACT

To require the registration of certain organizations which solicit membership from among the citizens of Marengo County; requiring certain reports of such organizations; and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to solicit membership from among the citizens of Marengo County for any organization which requires from its members the payment of membership fees or dues, or which is entitled to make assessments against its members, unless such organization is registered and complies with the provisions of this Act.

For the purposes of this Act:

“Organization” means any group, club, league, society, committee, association, or combination of individuals, whether incorporated or otherwise, but such term shall not include any corporation, association, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, or literary purposes; and such term shall not include any luncheon club, Greek letter fraternity or sorority, or any governmental body or agency.

Section 2. Every such organization shall register by filing with the judge of probate of Marengo County a registration statement, which shall contain the following information and documents:

(a) The name and post office address of the organization, and the names and addresses of all branches, chapters, and affiliates of such organizations within the State of Alabama;

(b) The name, address, sex, race, and nationality of each officer, and of each person who performs the functions of an officer, of the organization, and of each branch, chapter, and affiliate of the organization within the county of Marengo;

(c) The qualifications for membership in the organization;

(d) The existing and proposed aims and purposes of the organization, and all the means by which these aims or purposes are being obtained or are to be obtained;

(e) The address or addresses of meeting places of the organization, and of each branch, chapter, or affiliate of the organization, and the times of meetings, within Marengo County;

(f) The name and address of each person residing in Marengo County who has contributed any money, dues, property, or other thing of value to the organization or to any branch, chapter, or affiliate of the organization;

(g) A copy of the charter, articles of association, constitution, by-laws, rules, regulations, agreements, resolutions, and all other instruments relating to the organization, powers and purposes of the organization and to the powers of the officers of the organization and of each chapter, branch, and affiliate of the organization within Marengo County. Every such organization shall register on or before the 31st day of January in each year.

Section 3. Registration statements and reports filed with the judge of probate shall be securely bound by him in a separate

record book provided at the expense of the county for that purpose, which book and all statements and documents contained therein shall be public records and shall be open to public inspection at all times during the regular office hours of the judge of probate.

Section 4. Whoever violates any of the provisions of this Act shall be fined not more than one thousand dollars or be imprisoned for not more than six months, or both. Whoever in a statement filed pursuant to this Act willfully makes any false statement or willfully omits to state any fact which is required to be stated, or which is necessary to make the statement made not misleading, shall be fined not more than one thousand dollars or be imprisoned not more than six months, or both.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective thirty days after its passage and approval by the Governor, or its otherwise becoming a law.

This bill became an Act February 2, 1956 without the approval of the Governor.

Act No. 44

H. 163—Vacca, Nice, Perry, Meeks, Edwards (Jefferson), Lackey

AN ACT

To enable state savings and loan associations operating under general law in Jefferson County, with the approval of the Savings and Loan Commissioner, to establish one or more branch offices in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. Any savings and loan association in Jefferson County created and operating under the authority of Chapter 11, Title 5, Code of Alabama (1940), as amended, may with the approval of the Savings and Loan Commissioner, State Department of Commerce, open, establish, and maintain one or more branch offices in Jefferson County, Alabama.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon

its passage and approval by the Governor or upon its otherwise becoming a law.

Approved: February 3, 1956.

Time: 10:25 A. M.

Act No. 45

S. 27—Robison

AN ACT

To amend Section 34, as amended, of Act No. 168, H. 287, approved March 15, 1939 (Local Acts of Alabama, 1939, page 87), entitled "An Act To Create, establish and regulate an Inferior Court or Court of Common Pleas for the County of Montgomery; to provide and define the jurisdiction of the said Court, and the terms thereof; to provide for the judge and the officers of such Court, and their powers, duties and compensation; to fix the term of office for such judge, and to fix the fees and costs for such Court; to provide rules of procedure for said Court, and for the operation thereof; and for the transfer of cases to the court hereby created; and to provide for registering, and a lien of its judgments; and to abolish justices of the peace in all precincts lying within or partly within the City of Montgomery."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 34 of Act No. 168, approved March 15, 1939 (Local Acts of Alabama, 1939, page 87), which Act established an Inferior Court or Court of Common Pleas for the County of Montgomery, be amended to read as follows:

"Section 34. That said court shall be held in the County Court House of Montgomery County and the Board of Revenue of said County shall provide suitable and adequate rooms for the Court and its officers, and shall supply them with all necessary records, books, files, stationery, stamps used for official business, typewriters, telephones, or other proper facilities for the efficient discharge and performance of the work and duties of the court and its officers. The Board of Revenue of said County shall also pay the salary or salaries of clerical personnel in addition to the clerk and deputy clerk of this court provided for the Sections 12 and 15 of this Act, when, in the opinion of the Board of Revenue of said County, after request therefor by the judge of said court, such additional clerical personnel is needed for the efficient discharge and performance of the work of the court and its officers; such additional clerical personnel to be paid a salary or salaries to be fixed by the Personnel Board of the City and County of Montgomery, and be subject to all the pertinent rules and regulations of the said Board governing employees of Montgomery County, so long as the said Personnel Board shall continue to exist, and thereafter the

salary or salaries of such additional clerical personnel shall be as determined by the Board of Revenue of Montgomery County."

Section 2. That all laws and parts of laws, general, local or special in conflict with provisions of this act be, and the same are hereby expressly repealed.

Section 3. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 3, 1956.

Time: 12:01 P. M.

Act No. 46

S. J. R. 23—Van Antwerp

SENATE JOINT RESOLUTION

BE IT RESOLVED by the Senate, the House concurring, that H. B. 33 be known and designated as the Murphy, Simon, Tyson, and Van Antwerp Bill.

Approved February 3, 1956.

Time: 12:03 P. M.

Act No. 47

H. 59—Huddleston

AN ACT

To provide further for purging the lists of registered voters in Colbert County; requiring and prescribing the procedure for the reidentification of qualified electors; placing certain duties on the board of registrars, the county governing body and the judge of probate relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Colbert County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all who are deceased or non-residents of the county or have otherwise become disqualified from voting in Colbert County shall be removed from such lists and that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors in the county the name of any person who fails to reidentify himself, in one of the ways here-

inafter provided, before the first day of January 1, 1957, and again every ten years thereafter; provided that no one who has registered as a qualified elector of the county within one year preceding the date of so purging the list of qualified electors shall be required to reidentify himself. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. A voter may reidentify himself in any one of the following ways:

(a) A voter may reidentify himself by appearing in person at the office of the board of registrars or at the office of the judge of probate and answering such questions and submitting such proof as may be set forth hereinafter to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county.

(b) A voter who is on active duty in the Army, Navy, Air Force or other branch of the armed forces of the United States or the husband or wife of a member of the armed forces on active duty may reidentify himself or herself in the following manner. He or she may request a voter's reidentification questionnaire from the judge of probate of Colbert County, and upon receipt of such request the judge of probate shall promptly mail such voter's reidentification questionnaire to the person requesting it. The voter requesting the blank questionnaire shall answer completely all questions set forth in the questionnaire, shall sign it before a commissioned officer of the armed forces, and return it to the Board of Registrars of Colbert County, Alabama.

Section 4. (a) The board of registrars shall furnish a sufficient number of blank questionnaires to the judge of probate for the use of qualified electors appearing before him or his employees to reidentify themselves and a sufficient number of such blank questionnaires to be furnished to members of the armed forces and their husbands and wives who request such blanks.

The questionnaire shall be in substantially the following form:

VOTER'S REIDENTIFICATION QUESTIONNAIRE
Colbert County, Alabama

Date:....., 19.....

Name:
(First) (Middle) (Last)

Name As Previously Registered:.....

Legal Residence Address: _____
(Street or Route)

City or Town:..... State:.....

Date of Birth:..... Sex:..... Color.....

I now vote and I am a qualified elector in Precinct or Beat No. _____, Colbert County, and I have not been disqualified from voting in the county.

(To be filled in only if a resident of a City or Town):

I reside within the corporate limits of.....
(City or Town)

I have resided in Precinct.....for the past three months.
(Name or Number)

I vote at
(Name of Place)

Signed: _____ (Signature of Voter)

STATE OF....., COUNTY OF.....

Sworn to and subscribed before me this the.....day of....., 19.....

Registrar, Judge of Probate, Notary Public, Commissioned Officer, U. S. Armed Forces

(b) The judge of probate or his duly authorized employees shall witness the signature of any qualified elector desiring to reidentify himself by appearing at the probate office and completing and signing a voter's reidentification questionnaire in the manner prescribed in this Act. The duties hereby placed on the judge of probate shall be a part of his ex officio duties, and he shall not charge or collect any fee for witnessing the signature of any elector to a voter's reidentification questionnaire or performing any other service relative to the reidentification of voters.

Section 5. Any qualified elector in the county who shall have his name omitted or removed from the list of qualified

electors in the county or in any incorporated city or town therein by reason of his failure to reidentify himself as hereinabove provided shall be entitled to have his name restored to the list of qualified electors by appearing in person and reidentifying himself at the office of the board of registrars in the manner hereinabove provided; however, every qualified elector must have reidentified himself at least thirty (30) days prior to the election at which he offers to vote.

Section 6. The board of registrars shall meet as often as may be necessary, and on such dates as the county governing body may by order fix, in any year in which the list is purged and voters are required to reidentify themselves pursuant to this Act; provided the board shall not be authorized to meet for more than thirty days in excess of the maximum otherwise prescribed by law. The registrars shall be entitled to the same per diem allowances for performing their duties under this Act as is prescribed by law for the performance of their regular duties.

Section 7. Any person who willfully makes a false statement in answer to the reidentification questionnaire to the board of registrars or the judge of probate or the duly authorized employees of the board of registrars or judge of probate or to a commissioned officer of the armed forces of the United States, or to a notary public, shall be guilty of perjury, and upon conviction shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 8. The court of county commissioners, board of revenue, or like governing body of Colbert County is hereby authorized and directed to furnish the board of registrars and the judge of probate the supplies, equipment, printed forms, stationery, stamps, clerical help, and newspaper and radio advertisements necessary for the reidentification of voters as herein provided, and the further maintenance of the voter lists thereof.

Section 9. The board of registrars shall retain as a public record for ten years all completed questionnaires, and shall file the same in alphabetical order showing all qualified electors registered by precincts or districts, or other subdivisions thereof where a precinct has been divided or subdivided, if not within a city or town, and by wards or other subdivisions, if within a city or incorporated town.

Section 10. The governing body of the county shall provide for the first reidentification of voters and purging of the list of qualified electors at the time required by Section 2 hereof,

and shall provide for the reidentification of registered electors and the purging of the lists thereof in the manner prescribed by this Act every ten years thereafter.

Section 11. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law; provided, the reidentification provisions of the Act shall not be applicable to qualified electors offering to vote in any special elections held prior to the first day of January 1, 1957.

Approved: February 3, 1956.

Time: 12:05 P. M.

Act No. 48

H. 60—Huddleston

AN ACT

Relating to Colbert County; making it unlawful for any person, for any fee or other valuable consideration, to engage in the practice of fortunetelling, palmistry, mind reading, astrology, or clairvoyance, or to engage in any other practice involving the alleged foretelling of events or prophesying of the future, within the county; and prescribing penalties for violations of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. It is unlawful for any person, for any fee or other valuable consideration, to engage in the practice of fortunetelling, palmistry, mind reading, astrology, or clairvoyance, or to engage in any other practice involving the alleged foretelling of events or prophesying of the future, in Colbert County.

Section 2. Any person who violates this Act is guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than five hundred dollars (\$500), or by confinement in jail for not more than twelve months, or both.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 3, 1956.

Time: 12:08 P. M.

Act No. 49

H. 77—Fite

AN ACT

Relating to Marion County: To abolish the office of county treasurer, provide for the selection of a county depository, and repeal Act

No. 225, H. 380, approved September 3, 1923, which provides for the election of a county treasurer for Marion County (1923 Local Acts 130), together with all acts amendatory of said Act No. 225.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of county treasurer for Marion County, Alabama, as provided for by Act No. 225, H. 380, approved September 3, 1923, entitled "An Act to provide for the election of a county treasurer for Marion County, Alabama, to provide for his term of office and fix his compensation, and to provide for his successor" (1923 Local Acts 130) as amended by Act No. 456, H. 1049, approved July 17, 1931, and Act No. 222, H. 580, approved July 23, 1953, is hereby abolished. Within ten days after the effective date of this Act, and on or before the first Monday in December of each year hereafter, the board of revenue, court of county commissioners, or like governing body of Marion County shall select as a county depository an incorporated state or national bank in the county as provided in Chapter 2 of Title 12, Code of Alabama (1940), and said depository shall be in lieu of a county treasurer.

Section 2. Said Act. No. 225, H. 380, approved September 3, 1923 Act. No. 456, H. 1049, approved July 17, 1931, and Act No. 222, H. 580, approved July 23, 1953, are hereby expressly repealed.

Section 3. This Act shall become effective on the first day of the month commencing after the date of its enactment.

Approved: February 3, 1956.

Time: 12:10 P. M.

Act No. 50

H. 109—Fite

AN ACT

Relating to Marion County: To fix the compensation of the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The entire compensation of the coroner of Marion County shall be an annual salary of six hundred dollars, payable in equal monthly installments out of the general fund in the county treasury, which shall be in lieu of all fees, allowances and other remuneration allowable or payable to coroners for the performance of their official duties.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 3, 1956.

Time: 12:12 P. M.

Act No. 51

H. 128—Kelly

AN ACT

To provide for the election of a chief of police for the municipality of Haleyville, in Winston County, prescribe his powers and duties, regulate his compensation, provide for the appointment of his assistants and regulate their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. A chief of police shall be elected for the municipality of Haleyville in Winston County by the qualified electors thereof, at the same time, in the same manner, and for the same term as the mayor of said municipality. The chief of police shall be the chief law enforcement officer of the municipality, shall have all the powers of a peace officer, and shall be charged with the duty of enforcing the lawful ordinances enacted or adopted by the council of said municipality. Any vacancy in such office shall be filled by the town council.

Section 2. The chief of police of Haleyville shall receive a monthly salary of three hundred fifty dollars, payable out of the funds of the municipality as the compensation of other municipal officers is paid.

Section 3. The chief of police of Haleyville is authorized and empowered to appoint policemen to assist him in the performance of his duties, in such number and at such salaries as the town council may prescribe; provided, the compensation of every policeman so appointed shall be fixed at not less than two hundred fifty dollars a month.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 3, 1956.

Time: 12:15 P. M.

Act No. 52

H. 147—Fite

AN ACT

To amend Section 2 of Act No. 492, H. 778, approved September 30, 1947, relating to and regulating contracts for public works (1947, p. 338).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 492, H. 778 approved September 30, 1947, relating to and regulating contracts for public works be and is amended to read as follows: Section 2. **FEE TO OBTAIN PROPOSAL, PLANS AND SPECIFICATIONS.** Proposals may be obtained only upon payment of a fee to be determined by the awarding authority not in excess of five dollars (\$5.00). Plans and specifications may be obtained only upon payment of a fee to be determined by the awarding authority not to exceed the actual cost of printing such plans and specifications. Building Exchanges and similar agencies may be furnished plans and specifications without charge.

Section 2. This Act shall take effect from and after the date of its approval by the Governor.

Approved: February 3, 1956.

Time: 12:20 P. M.

Act No. 53

S. 54—Davis (Lowndes), Goodwin
and Reeves**AN ACT**

To provide an allowance to the Judge of the Second Judicial Circuit payable by the counties composing said circuit to reimburse him for expenses incurred in the performance of his official duties.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be paid to the Judge of the Second Judicial Circuit, by the counties composing the circuit, an allowance to reimburse him for expenses incurred in the performance of his official duties. Such allowance shall be in addition to the allowance to the judge which is payable out of the state treasury, and shall be in such sum as may be necessary to cause the total amount allowed by both the State and the counties to equal one thousand two hundred dollars (\$1,200.00) a year, and no more. The allowance herein provided for shall be paid monthly from the general funds of the counties composing the Second Judicial Circuit on a prorata basis calculated upon the assessed value of taxable property in the counties of the circuit for the previous fiscal year, as shown by the records in the tax assessors'

offices, in such manner that each county shall pay such proportion of said expense allowance as the assessed value of the property in the county bears to the total assessed value of the property within the judicial circuit.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month next following its passage and approval by the Governor, or its otherwise becoming a law.

Approved: February 3, 1956.

Time: 12:21 P. M.

Act No. 54

S. 77—Flowers

AN ACT

To authorize the Board of Revenue of Houston County, Alabama, to purchase such uniforms as said Board of Revenue and Sheriff may deem necessary for the use of the uniformed personnel, deputies and other employees of the Sheriff of Houston County, Alabama, or the Sheriff's Department of Houston County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue of Houston County, Alabama, or other governing body that may hereafter be created for said County is hereby authorized and empowered to purchase and pay for out of the general funds of Houston County, Alabama, such uniforms as said Board of Revenue and Sheriff may deem necessary for the use of the uniformed personnel, deputies and other employees of the Sheriff of Houston County, Alabama, or the Sheriff's Department of Houston County, Alabama.

Section 2. This act shall become effective upon its passage by the Legislature and approved by the Governor or its otherwise becoming a law.

Approved: February 3, 1956.

Time: 12:22 P. M.

Act No. 55

S. 56—Roberts

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

PROPOSED AMENDMENT

"A senator shall be elected by the qualified electors of every county in this state on the first Tuesday after the first Monday in November, 1958, and in every fourth year thereafter. The terms of office of such senators shall commence on the day after the general election at which they are elected, and expire on the day after the general election held in the fourth year after their election, except as otherwise provided in this Constitution.

"The provisions of Section 50, Section 197, Section 198, Section 199, Section 200, Section 202, Section 203 and Section 284 of this Constitution in conflict herewith are hereby superseded and repealed. It shall be the duty of the legislature at its first session after the taking of the decennial census of the United States in the year 1960 and after each subsequent decennial census, to fix by law the number of representatives and apportion them among the several counties of the state according to the number of inhabitants in them respectively; provided that each county shall be entitled to have at least one representative.

"Until such a re-classification of the House of Representatives is made as provided above the counties of Autauga, Bibb, Cherokee, Choctaw, Clay, Cleburn, Conecuh, Coosa, Crenshaw, Dale, Fayette, Greene, Lamar, Pickens, Randolph, Washington and Winston shall each have one representative; the counties of Baldwin, Barbour, Blount, Bullock, Butler, Chambers, Chilton, Clarke, Coffee, Colbert, Covington, Cullman, DeKalb, Elmore, Escambia, Franklin, Geneva, Hale, Henry, Houston, Jackson, Lawrence, Lee, Limestone, Lowndes, Macon, Marengo, Marion, Marshall, Monroe, Perry, Pike, Russell, Shelby, St. Clair, Sumter, Tallapoosa and Wilcox shall each have two representatives; the counties of Dallas, Lauderdale, Madison, Morgan, Talladega and Walker shall each have three representatives; the counties of Calhoun, Etowah and Tuscaloosa shall each have four representatives; the county of Montgomery shall have six representatives; the county of Mobile shall have nine representatives; and the county of Jefferson shall have fourteen representatives."

Section 2. An election shall be held upon the proposed amendment on the first Tuesday in May, 1956, unless that day arrives before the expiration of three months from final adjournment of the current session of the legislature, in which event the elec-

tion shall be held on the same day as the next general election, in November, 1956.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed by the Senate January 26, 1956.

Passed by the House February 3, 1956.

Act No. 56

H. 53—Ashworth

AN ACT

To amend further Act No. 99, H. 235, approved March 29, 1933 (Local Acts passed at the Special Session of 1933, p. 31), which provided for the election of a county superintendent of education for Bibb County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 99, H. 235, approved March 29, 1933 (Local Acts passed at the Special Session of 1933, p. 31, an Act to provide for the election of a county superintendent of education for Bibb County, Alabama, by the qualified voters of said county, and to provide for the term of office and the amount of his compensation, as amended, is amended further to read as follows:

“The salary of such superintendent of education shall be not less than three thousand six hundred dollars nor more than six thousand dollars per annum. Such salary shall be fixed by the county board of education, shall be paid out of the county school funds of Bibb County on warrants drawn by the custodian of county school funds, and shall be paid in equal monthly installments.”

Section 2. This Act shall become effective at the expiration of the term of the incumbent of the office of superintendent of education for Bibb County.

Approved: February 7, 1956.

Time: 9:30 A. M.

AN ACT

Relating to Blount County; levying a tax of one cent per gallon upon the selling, distributing, storing, or withdrawing from storage in Blount County, Alabama, for any use, gasoline, kerosene, and diesel fuel as defined by this Act; providing for the collection and enforcement of the tax; and prescribing and restricting the use to which the proceeds thereof may be applied.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words, when used in this Act, shall have the meaning ascribed to them below, unless the context clearly indicates a different meaning:

“Gasoline” means any type of gasoline, naphtha, or other liquid motor fuel, or any device or substitute therefor, commonly used in internal combustion engines.

“Diesel fuel” means any type diesel oil, tractor fuel, gas oil, distillate or liquified gas, jet fuel, or any device or substitute therefor.

“Kerosene” means the product known commercially as “kerosene oil”.

Section 2. In addition to all other taxes and licenses, there is hereby levied upon every distributor, refiner, retail dealer or storer of gasoline, kerosene, or diesel fuel in Blount County, Alabama, an excise tax of one cent per gallon upon the selling, distributing, storing, or withdrawing from storage in Blount County for any use, gasoline, kerosene, or diesel fuel as defined by this Act; provided, the tax shall not be levied or paid on the sale of gasoline, kerosene, or diesel fuel in interstate commerce or to the Government of the United States or its agencies, or direct to the State of Alabama. When the tax levied herein shall have been paid by a distributor, refiner, retail dealer or storer, such payment shall be sufficient, the intention being that the tax shall be paid but once. The tax shall not be levied or paid on gasoline, kerosene, or diesel fuel which is withdrawn from storage within Blount County for delivery only to a point or points outside the county, when the distributor or seller of such gasoline, kerosene, or diesel fuel prepares and files with the governing body of Blount County written statements sworn to and subscribed, in such form as may be required by the county governing body, showing the name and address of the person to whom the gasoline, kerosene, or diesel fuel is or has been delivered by the distributor; the volume and kind of such gasoline, kerosene, or diesel fuel; the dates of such

withdrawals; and the point or points outside the county to which such gasoline, kerosene, or diesel fuel is delivered or is to be delivered.

Section 3. On or before the twentieth day of each month after the passage of this Act, every person upon whom the tax levied herein is imposed shall render to the governing body of Blount County, on forms prescribed by the county governing body, a true and correct statement of all sales and withdrawals of gasoline, kerosene, or diesel fuel liable for payment of the tax imposed by this Act made by him or them during the next preceding month; shall furnish to the county governing body such additional information as the county governing body may require upon blanks to be formulated and furnished by the county governing body; and, at the time of making such report, shall pay to the county governing body the tax levied by this Act upon such sales and withdrawals. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths. Any false statement sworn to shall constitute perjury, and upon conviction thereof the person so convicted shall be punished as provided by law.

Section 4. All distributors, storers or retail dealers shall keep for not less than two years within the State of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sales or withdrawals of gasoline, kerosene, or diesel fuel made in Blount County and subject to the tax levied by this Act.

Section 5. Within thirty days after the passage of this Act, every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline, kerosene, or diesel fuel in Blount County shall make a report on blanks furnished under Section 3 hereof to the governing body of the county, showing the place and post office address at which his business of distributor or storer or retail dealer in gasoline, kerosene, or diesel fuel is located in the county, which information shall be entered by the county governing body on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one business address to another, such distributor, storer or retail dealer shall within thirty days thereafter notify the county governing body of such removal, giving the former place and post office address and also the place and post office address to which his place of business has been removed. After the passage of this Act, no person shall become a distributor, storer or retail dealer of gasoline, kerosene, or

diesel fuel in Blount County until he shall have made such report to the county governing body.

Section 6. If any distributor, storer or retail dealer in gasoline, kerosene, or diesel fuel in Blount County fails to make any report required by the provision of this Act, or fails to comply with any regulation adopted by the county governing body for the collection of the tax, or fails to make any report within the time prescribed, or fails to pay the tax imposed within the time fixed for the payment thereof, such distributor, storer or retail dealer shall be guilty of a misdemeanor, and upon the conviction thereof shall be fined not less than fifty dollars nor more than three hundred dollars for each offense.

Section 7. It shall be the duty of the court of county commissioners, board of revenue, or like governing body of Blount County to enforce the provisions of this Act, and to make any and all rules and regulations necessary and proper for the collection of the tax levied herein. The county governing body or any member thereof or its agents shall have the right to examine the books, reports, and accounts of every distributor, storer or retail dealer of gasoline, kerosene, or diesel fuel subject to such tax.

Section 8. If any distributor, storer or retail dealer in gasoline, kerosene, or diesel fuel fails to make monthly reports or fails to pay the tax imposed under the authority of this Act, the tax shall be deemed delinquent within the meaning of this Act, and there shall be added to the amount of his tax a penalty of twenty-five percent; provided, however, that if in the opinion of the county governing body a good and sufficient cause and reason is shown for such delinquency, the penalty may be remitted. The county governing body is hereby authorized and empowered to make returns for delinquent tax payers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this Act. If any person shall be delinquent in the payment of any tax imposed by this Act, the county governing body shall issue execution for the collection of the same, directed to any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the county tax collector, and make return of such execution to the governing body issuing the same. The tax levied by this Act and the penalty herein provided for shall be held as a debt payable to the county by the person against whom the same shall have been imposed or against whom the penalties shall have accrued; and all such taxes and penalties shall be a lien upon the property

in said county and elsewhere in this State of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section 9. The acceptance of any amount paid for the excise tax levied by this Act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. Any distributor, storer or retail dealer who violates any provision of this Act or who fails to comply with any reasonable rule or regulation promulgated hereunder may be restrained by proper legal proceedings from distributing, selling, storing or withdrawing from storage any gasoline, kerosene, or diesel fuel the sale or withdrawal of which is taxable, until such person or persons shall have complied with the provisions of this Act. Such proceedings shall be instituted in the name of Blount County by counsel chosen by the county governing body.

Section 11. Each agent of any railroad company, bus or truck operator or other transportation company or agency operating in Blount County shall report to the county governing body on the first day of October, January, April and July of each year all shipments of gasoline, kerosene, or diesel fuel as defined in this Act handled by him or through the station or office at which he is agent, and delivered to any person in Blount County, Alabama, during the preceding three months, giving the names and addresses of the consignor and consignee shipping and receiving gasoline, kerosene, or diesel fuel and the number of gallons or pounds contained in each and every shipment.

Section 12. The proceeds of the tax levied by this Act shall be paid into a special fund, and shall be used exclusively for the purpose of matching federal and/or state funds in the construction of improved roads and bridges in Blount County in the same manner as other county funds are used to match federal and state funds under the "Farm to Market Road Act of 1943", except as otherwise provided herein.

Section 13. The governing body of Blount County shall be charged with the duty of enforcing the provisions of this Act, and is hereby authorized and empowered to employ such clerical assistants and inspectors, and fix their rate of pay, as may be necessary in aiding them in the enforcement of the provisions of the Act. The salaries of such clerical assistants and inspectors, and other necessary expense of enforcing this Act, shall be paid from the proceeds of the tax levied herein.

Section 14. Should any section, paragraph or portion of this Act be declared unconstitutional it shall not invalidate the remaining sections, paragraphs or portions hereof.

Section 15. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 16. This Act shall become effective on the first day of the month commencing after its passage and approval by the Governor or its otherwise becoming law.

Approved: February 7, 1956.

Time: 9:31 A. M.

Act No. 58

H. 74—Lee (Lawrence)

AN ACT

To amend Act No. 18, S. 2, approved May 18, 1951 (Acts of 1950-51, Vol. I, p. 220), which created and established the Board of Revenue of Lawrence County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 18, S. 2, approved May 18, 1951 (Acts of 1950-51, Vol. I, p. 220), the Act which created and established the Board of Revenue of Lawrence County, is amended to read as follows:

“Section 2. For the purposes of this Act, Lawrence County is hereby divided into four subdivisions to be known as districts.

“The northeast district of said county shall be that portion of Lawrence County lying east of the line between Ranges 7 and 8 and north of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6.

“The northwest district of said county shall be that portion of Lawrence County lying west of the line between Ranges 7 and 8 and north of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6.

“The southeast district of said county shall be that portion of Lawrence County lying east of the line between Ranges 7 and 8 and south of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6.

“The southwest district of said county shall be that portion of Lawrence County lying west of the line between Ranges

7 and 8 and south of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6.

"The members of said board from the southeast district and southwest district shall hold office until the first Tuesday after the second Monday in January, 1959, and until their successors are elected and qualified, and their successors shall be elected at the general election in November, 1958, and each four years thereafter, and their respective successors shall take office on the first Tuesday after the second Monday in January, 1959, and every four years thereafter. The members of said board from the northeast district and from the northwest district shall hold office until the first Tuesday after the second Monday in January, 1957, and until their successors are elected and qualified, such election to be had at the general election in November, 1956, and each four years thereafter, and their respective successors shall take office on the first Tuesday after the second Monday in January, 1957, and each four years thereafter.

"It is the intention of this section that the members of said board from the four districts elected after the enactment of this act shall be elected for four year terms, commencing on the first Tuesday after the second Monday in January in the year following the year in which they are elected, and at said elections the members of said board shall be elected at an election in which all of the duly qualified electors in Lawrence County, Alabama shall be entitled to participate, and that two members of said board shall be elected every two years for terms of four years. All persons to be eligible to election to membership on said board as a member of said board from either of the four districts must be qualified voters of their respective districts and of the age of twenty-five years or over.

"The members of said board from said four districts shall devote their entire time to the business of the county, and shall each receive an annual salary of four thousand two hundred dollars, to be paid in monthly installments on the second Monday of each month, and said salary shall be the sole and only compensation, allowance or expense of any kind or character to be received by the members of said board. Said members shall furnish their own transportation and the expense thereof.

"Charles C. McWhorter is hereby named, designated and declared to be the chairman of said board, and shall hold office until the first Tuesday after the second Monday in January, 1957, and until his successor is elected and qualified, and as

compensation for his services the chairman of said board shall receive an annual salary in the sum of five thousand five hundred dollars, to be paid in equal monthly installments on the second Monday in each month. The chairman of said board shall be at least twenty-five years of age, and shall be a qualified elector of Lawrence County, Alabama. The chairman of said board shall preside at all meetings of the board when present, and shall cast the deciding vote in all cases arising where there shall be a tie vote, shall write or supervise the writing of the minutes of all meetings of the board, and shall sign for and on behalf of the county all warrants, checks, drafts, notes, bonds, contracts, or other instruments of writing drawn against the treasury of the county, or in any way binding the county to any obligation or liability."

Section 2. This Act shall become effective on the first Tuesday after the second Monday in January, 1957.

Approved: February 7, 1956.

Time: 9:33 A. M.

Act No. 59

H. 75—Reynolds, Roberts

AN ACT

Relating to Madison County: To provide for the relief of J. W. Morring of Gurley, Alabama, Route 1, appropriating county funds for such purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of one hundred dollars is hereby appropriated from funds in the treasury of Madison County to J. W. Morring, Route 1, Gurley, Alabama, to compensate him for damages to his automobile in the aforesaid sum, incurred as the result of a collision between said automobile and a county truck, on or about November 15, 1953, which collision occurred under such circumstances that the county is obligated to pay such damages but not legally liable therefor.

Section 2. The officer of Madison County charged by law with the duty of drawing warrants on the county treasury is hereby authorized, directed, and required to draw a warrant in favor of said J. W. Morring for the amount herein appropriated upon his request.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 7, 1956.

Time: 9:35 A. M.

Act No. 60

H. 97—Martin

AN ACT

To authorize the Probate Judge of Greene County, Alabama, with the approval of the Commissioners Court of said county, to employ agents, investigators, and assistants, and to expend from the proceeds of the privilege license tax collected in said county under Act No. 10, H. 43, approved June 19, 1947 (Local Acts of 1947, Regular Session, p. 3), the sum of not more than Three Thousand (\$3,000.00) Dollars, for the purpose of enforcing the provisions of said Act No. 10 and collecting the tax thereby imposed; and to provide that this act shall expire January 1, 1957.

Be It Enacted by the Legislature of Alabama:

Section 1. The Probate Judge of Greene County, Alabama, with the approval of the Commissioners Court of said county, is hereby authorized and empowered to employ such agents, investigators, and assistants as he deems necessary, and to expend from the proceeds of the privilege license tax on malt or brewed beverages collected in said county under the authority of Act No. 10, H. 43, approved June 19, 1947, (Local Acts of 1947, Regular Session, p. 3), the sum of not more than Three Thousand (\$3,000.00) Dollars for the payment of said agents, investigators, and assistants, for the purpose of enforcing the provisions of said Act No. 10, and collecting the privilege license tax on malt or brewed beverages levied and imposed by said Act No. 10.

Section 2. The expenditure of funds and employment of agents authorized by this act are authorized to be made and done prior to the first day of January, 1957, and this act shall expire on said date, and no expenditure of funds or employment of agents shall be made or done under the authority of this act after the first day of January, 1957.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 7, 1956.

Time: 9:38 A. M.

Act No. 61

H. 103—Meeks, Nice, Lackey, Perry, Vacca,
Kaul, Edwards (Jefferson)

AN ACT

To provide that any territory which may be or may have been annexed to any city having a population of two hundred fifty thousand

inhabitants or more according to the last or any succeeding federal census shall continue to be subject to the county, town or city zone classification as such territory was subject at the time of annexation, until such territory shall have been zoned by such city or until the expiration of one year after the date of such annexation, whichever shall first occur; and to provide that the board of adjustment, if there be one of any such city, shall have the power and authority to make special exceptions to the application of such classifications.

Be It Enacted by the Legislature of Alabama:

Section 1. Any territory which may be or may have been annexed to any city having a population of two hundred fifty thousand inhabitants or more according to the last or any succeeding federal census shall continue to be subject to the provisions of the county, town or city zone classifications, if any, relative to the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence, or other purposes as such territory was subject at the time it was annexed to such city, until such territory shall have been zoned in such regards by such city or until the expiration of one year after the date of such annexation whichever shall first occur.

Section 2. The board of adjustment, if there be one, of any such annexing city shall, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning provisions of such county, town or disannexing city, referred to in Section 1, in all respects as though such zoning provisions were a part of the zoning ordinance of the annexing city and in harmony with the general purpose and intent of the zoning ordinance of such annexing city and in accordance with general or specific rules therein contained.

Approved: February 7, 1956.

Time: 9:40 A. M.

Act No. 62

H. 104—Meeks, Nice, Perry, Kaul, Lackey,
Vacca, Edwards (Jefferson)

AN ACT

To alter and rearrange the boundary lines and corporate limits of the City of Gardendale, in Jefferson County, Alabama, by reducing said boundary lines and corporate limits pursuant to the provisions of Section 1 hereof, and extending said boundary lines and corporate limits pursuant to the provisions of Section 2 hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries and corporate limits of the City of Gardendale in Jefferson County, Alabama, be and the same hereby are altered, rearranged and reduced by excluding from said corporate limits of said City all of the following described territory presently within the corporate limits of said City, said territory lying and being in Jefferson County, Alabama, viz:

The Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 14, Township 16, Range 3 West.

Section 2. That the boundary lines and corporate limits of the City of Gardendale, in Jefferson County, Alabama, be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said City all of the following described territory, lying and being in Jefferson County, Alabama, viz:

The Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 11, Township 16, Range 3 West.

Section 3. The boundary lines and corporate limits of the City of Gardendale, Jefferson County, Alabama, shall include all territory now within such corporate limits, except that territory excluded by Section 1 hereof, in addition to that territory added by Section 2 hereof.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 7, 1956.

Time: 9:41 A. M.

Act No. 63

H. 105—Meeks, Nice, Edwards (Jefferson), Vacca, Lackey, Perry

AN ACT

To provide for the relief of Sam Rietta out of the General Fund of the City of Homewood, Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of the City of Homewood, Jefferson County, Alabama is hereby authorized and empowered

to draw or cause to be drawn upon the City Treasury a warrant in the sum of Two hundred sixty-eight and 17/100 (\$268.17), which said warrant shall be in favor of Sam Rietta for that heretofore on, to-wit November 12, 1951, a fire truck, the property of the City of Homewood, was caused to run upon, over or against the automobile of Sam Rietta which was parked on Oxmoor Road, City of Homewood, where it had a right to be and as a result said automobile was damaged in the amount aforesaid.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 7, 1956.
Time: 9:43 A. M.

Act No. 64

H. 107—Vacca, Perry, Edwards (Jefferson), Meeks, Lackey, Nice

AN ACT

To provide for and fix the sum of \$1,000.00 per year as an allowance for expenses for the President of the Commission of any city having a population of 250,000 inhabitants or more according to the last or any subsequent federal census for which he shall not be required to file an accounting; to provide that this Act shall expire on the first Monday of November, 1957.

Be It Enacted by the Legislature of Alabama:

Section 1. The president of the Commission or Board of Commissioners of any city having a population of two hundred fifty thousand or more inhabitants according to the last or any succeeding federal census shall receive in addition to all other compensation provided by law the additional sum of One Thousand Dollars per year for expenses which sum shall be payable in monthly installments at the end of each month and for which he shall not be required to file an accounting.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall expire on the first Monday of November, 1957.

Approved: February 7, 1956.
Time: 9:45 A. M.

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Scottsboro, in the County of Jackson and State of Alabama; and to prescribe the time when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Scottsboro, in the County of Jackson, State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City all of the territory lying within the County of Jackson included within the following described boundaries, namely:

Beginning at the Northeast corner of Section 20, Township 4 South, Range 6 East, and run West along the North boundary of Sections 20 and 19 of Township 4 South, Range 6 East, and the North boundary of Section 24, Township 4, South, Range 5 East, and to the Northwest corner of said Section 24; thence West along the North right of way line of the Old Larkinsville Road to the intersection with the East edge of what is known as Staples Lane; thence North along the East side of Staples Lane to a point opposite the Northeast corner of the Southwest quarter of the Southeast quarter of Section 14, Township 4 South, Range 5 East; thence West to the Northwest corner of the Southwest quarter of the Southeast quarter of Section 14, Township 4 South, Range 5 East; thence South along the North and South half section lines of Section 14 and Section 23; Township 4 South, Range 5 East and to the point where the North and South half section line of Section 23 intersects the South right of way of the Lee Highway, or U. S. Highway No. 72; thence East along the southern right of way of the Lee Highway, or U. S. Highway No. 72, to the point where said southern right of way of said Highway intersects the west boundary of the East half of the Southeast quarter of said Section 23; thence South along the West boundary of the East half of the Southeast quarter of Section 23, and to the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 23; thence East along the South boundary of said Section 23 and the South boundary of Section 24, Township 4 South, Range 5 East, and to the center of the South boundary of said Section 24; thence South along the west boundary of the East half of Section 25 and the West boundary of the East half of Section 36, Township 4 South, Range 5 East, to the Southwest corner of the Southeast quarter of said Section 36; thence East along the South boundary of

said Section to the Northwest corner of the Northeast quarter of the Northeast quarter of Section 1, Township 5 South, Range 5 East, at which there is a corner of the T.V.A. land, marked by a T.V.A. Marker No. 160; thence South 0 degrees 56 minutes West 619 feet to T.V.A. Marker No. 159; thence North 88 degrees 57 minutes East with the T.V.A. line to a corner on the East boundary of Section 1, Township 5 South, Range 5 East, at which there is a T.V.A. Marker No. 158; thence continue with the T.V.A. boundary North 57 degrees 49 minutes East to a corner on the North boundary of Section 6, Township 5 South, Range 6 East, at which there is a T.V.A. Marker No. 43; thence East with the South boundary of Section 31, Township 4 South, Range 6 East to a corner with the original T.V.A. lands at which was originally T.V.A. Marker No. 44; thence North with the original T.V.A. Severance Line to a corner at the Northeast corner of the Southwest quarter of the Southwest quarter of Section 31, Township 4 South, Range 6 East; thence Northeast to a point on the North boundary of Section 32, Township 4, South, Range 6 East, at the Northeast corner of the Northwest quarter of the Northwest quarter of Section 32, Township 4 South, Range 6 East; thence East along the South boundary of Section 29 and Section 28, Township 4 South, Range 6 East to a corner at the Southeast corner of the Randall's Chapel Church Property, at which was originally T.V.A. Monument No. 16-A; thence North with the West right of way of a road which enters the Scottsboro-Fort Payne Highway at said Randall's Chapel to the point where said road intersects the North boundary of the Southwest quarter of said Section 28, thence West with the North boundary of the Southwest quarter of said Section 28, Township 4 South, Range 6 East, to the Northwest corner thereof; thence North to the Northeast corner of Section 29, Township 4 South, Range 6 East; thence Northeast to the Southeast corner of the Northwest quarter of Section 21, Township 4, South, Range 6 East; thence North along the East boundary of the Northwest quarter of said Section 21, Township 4 South, Range 6 East, and the East boundary of the Southwest quarter of Section 16, Township 4 South, Range 6 East, to the point where the East boundary of the Southwest quarter of Section 16 intersects the Northwest right of way of the Lee Highway, or U. S. Highway No. 72; thence Southwest to the Southwest corner of said Section 16 and to the beginning corner.

Section 2. That all laws and parts of law general, special and local, in conflict with this Act, be and the same are hereby repealed.

Section 3. That this Act shall go into effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 7, 1956.
Time: 9:46 A. M.

Act No. 66

H. 55—Albea, Merrill

AN ACT

Relating to counties having a population of not less than 75,000 nor more than 93,000 inhabitants; to authorize county governing bodies to provide clerk-hire allowances for the offices of Judge of Probate, Sheriff, Tax Collector, Tax Assessor and Clerk of the Circuit Court.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 75,000 nor more than 93,000 inhabitants, according to the last or any subsequent federal decennial census.

Section 2. The governing body of any county in which this act applies is hereby authorized and empowered to expend from the general fund of the county, in addition to all other sums now provided by law, for the efficient operation of the offices of Judge of Probate, Tax Assessor, Tax Collector, Sheriff and Clerk of the Circuit Court, and for increasing the salaries or compensation of the clerks, deputies and assistants and for employing additional help in said offices, any amounts deemed to be reasonable and necessary by the said county governing body.

Section 3. This act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 7, 1956.
Time: 9:47 A. M.

Act No. 67

H. 56—Albea, Merrill

AN ACT

Relating to counties having a population of not less than 73,000 nor more than 93,000 inhabitants; abolishing the fine and forfeiture funds

of such counties and providing that all monies now in the fine and forfeiture fund or hereafter collected for such fund shall be paid into the general fund of such counties and that all claims due or to become due from the fine and forfeiture fund shall be paid from the general fund of the county; providing that witness certificates obtained as a state's witness before the grand jury or the circuit court, county court or other inferior court in which a criminal prosecution is pending shall be paid from the general fund on presentation; providing that all monies now held or hereafter collected as witness fees for state's witnesses in the circuit court, county court or other inferior court shall be paid on collection into the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only to counties having a population of not less than 73,000 nor more than 93,000 inhabitants, according to the last or any subsequent Federal decennial census.

Section 2. All revenues accruing to the fine and forfeiture fund of such counties, as prescribed by law, shall hereafter be paid into the general fund of the county and the fine and forfeiture fund of such counties is hereby abolished. All monies held in the fine and forfeiture fund as of the effective date of this act, or any other monies held as unclaimed witness fees for witnesses appearing before the grand jury of the county or as state's witnesses in criminal cases in the circuit court, county court or other inferior court, shall be paid by the custodian of such fund into the general fund of the county.

Section 3. All claims now registered against or payable out of the fine and forfeiture fund, as prescribed by law, or which may hereafter become due and payable out of such fund, shall be payable from the general fund of the county.

Section 4. After the passage and approval of this act any person subpoenaed as a witness before the grand jury of the county in a criminal case who procures a certificate of attendance as such witness from the foreman of the grand jury shall receive payment on such certificate immediately upon the presentation of same to the custodian of the funds of the county, such payment to be made from the general fund of the county.

Section 5. Any person appearing as a state's witness in a criminal case in the circuit court, county court or other inferior court who procures a certificate of attendance as such witness

from the clerk of the court shall receive payment on such certificate immediately upon the presentation of same to the custodian of the funds of the county, such payment to be made from the general fund of the county.

Section 6. Costs and fees in all criminal cases shall continue to be taxed as now provided by law, provided, however, that any fees hereafter collected for state's witnesses in the circuit court, county court or other inferior court shall be paid by the officer collecting same into the general fund of the county and it shall be the duty of the clerk, or other officer, of any of the courts here concerned, upon the passage and approval of this act, to pay over any money held by such officer for the payment of fees of witnesses before the grand jury or state's witnesses in criminal cases in any of the courts here concerned, to the general fund of the county.

Section 7. All laws or parts of laws, local, special, or general, in conflict with the provisions hereof are hereby repealed and especially the provisions of Act No. 279, Acts of 1953, page 344, approved August 5, 1953, and Act No. 406, Acts of Regular Session 1955, approved September 9, 1955.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved: February 7, 1956.

Time: 9:49 A. M.

Act No. 68

H. 92—Franklin

AN ACT

To fix the compensation of members of the court of county commissioners, board of revenue, or like governing body of all counties having a population of not more than 11,900, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the court of county commissioners, board of revenue, or like governing body of any county having a population of not more than 11,900, according to the last or any subsequent federal decennial census, shall be entitled to receive a salary of three thousand dollars per annum, payable in equal monthly installments, out of any funds in the county treasury available for such purpose according to law. The salary herein provided for shall be the entire compensation of each member for the performance of his official duties.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 7, 1956.

Time: 9:59 A. M.

Act No. 69

H. 108—Lee (Lawrence)

AN ACT

For the relief of Mrs. Leldon Freeman of Lawrence County, authorizing and directing the Board of Education of Lawrence County to pay out of school funds the sum of one thousand three hundred fifty dollars as the value of a building, the property of Leldon Freeman, deceased, acquired by the county board of education under such circumstances that the county was enriched.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Education of Lawrence County is hereby authorized to pay to Mrs. Leldon Freeman of Lawrence County, widow of Leldon Freeman, deceased, the sum of one thousand three hundred fifty dollars (\$1,350.00), out of county school funds under its control, to compensate said Mrs. Leldon Freeman for the loss of a building acquired by the county board of education under such circumstances that the county was enriched and the said Mrs. Leldon Freeman has been damaged in the aforesaid sum, the board of education of said county being morally but not legally liable to pay such damages.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 7, 1956.

Time: 10:00 A. M.

Act No. 70

H. 110—Cox

AN ACT

To amend the caption and to amend an act entitled "AN ACT. To provide for three additional deputy sheriffs for Marshall County, Alabama, in addition to the chief deputy now authorized by law, to fix their salaries, the time and method of payment of their salaries, making their salaries a preferred claim against the general fund of said county, to prescribe their duties and provide when this Act shall take effect"

approved May 30, 1951, and to provide when this Act shall take effect and provide that if for any reason any section, provision or clause of this amended act be held unconstitutional or invalid then that fact shall not destroy the constitutionality or validity of this Act except as to such clause or section.

Be It Enacted by the Legislature of Alabama:

Section 1. That the caption of an Act entitled "AN ACT. To provide for three additional deputy sheriffs for Marshall County, Alabama, in addition to the chief deputy now authorized by law to fix their salaries, the time and method of payment of their salaries, making their salaries a preferred claim against the general fund of said county, to prescribe their duties and provide when this Act shall take effect" approved May 30, 1951, be and the same is hereby amended to read as follows: "AN ACT. To provide for four additional deputy sheriffs for Marshall County, Alabama, in addition to the chief deputy sheriff now authorized by law and to fix the salaries of all of said deputy sheriffs including said chief deputy sheriff, the time and method of payment of such salaries, making said salaries a preferred claim against the general fund of said county, and to prescribe their duties and provide when this Act shall take effect, and to provide that if for any reason any section, provision or clause of this amended Act be held unconstitutional or invalid then that fact shall not destroy the constitutionality or validity of this said Act except as to such clause or section."

Section 2. That Section 1 of an Act entitled "AN ACT. To provide for three additional deputy sheriffs for Marshall County, Alabama, in addition to the chief deputy now authorized by law to fix their salaries, the time and method of payment of their salaries, making their salaries a preferred claim against the general fund of said county, to prescribe their duties and provide when this Act shall take affect." approved May 30, 1951, be and the same is hereby amended to read as follows: "Section 1. That the Sheriff of Marshall County, Alabama, in addition to the chief deputy sheriff for said county shall be and he is hereby allowed four additional deputy sheriffs for said county whose salaries, together with the salary of the chief deputy sheriff shall be paid by said county out of the general funds of said county and all of whose salaries shall be preferred claims against said funds, to be paid monthly on the 1st day of each month on the certificate of the Sheriff that such person is such chief deputy sheriff and such deputy sheriff in said county and has been appointed by said Sheriff. That each of said deputy sheriffs shall be appointed by the Sheriff of said county and shall hold office at the pleasure of the Sheriff, that the salaries

of said deputy sheriffs shall be fixed by the Board of Revenue of said county or other like governing body of said county and the salaries of said chief deputy sheriff shall be not less than \$275.00 and not more than \$300.00 and the salaries of two additional deputy sheriffs for said county shall be not less than \$200.00 nor more than \$275.00 each per month, that the salary of one additional deputy sheriff shall be \$150.00 per month and the salary of the other deputy sheriff herein provided for shall be \$100.00 per month. All of said salaries shall be fixed by resolution adopted by said Board of Revenue of said county and entered on the Minutes of said Court. Said deputy sheriffs shall each perform any and all duties prescribed by law to be performed by deputy sheriffs in this state and in addition shall act as bailiffs and wait upon the courts of said county when in actual session without any additional compensation for that work except that fixed by this Act."

Section 3. That if for any reason any section, provision or clause of this amended act be held unconstitutional or invalid, then that fact shall not destroy the constitutionality or validity of this said Act except as to such clause or section.

Section 4. That the provisions of this Act shall take effect immediately upon its passage by the Legislature and its approval by the Governor, or upon its otherwise becoming a law.

Approved: February 7, 1956.
Time: 10:02 A. M.

Act No. 71

H. 111—Murphy, Simon, Tyson

AN ACT

To amend Sections 3 and 6 of Act No. 489 (HB922) of the Legislature of Alabama as approved September 3, 1953, entitled "An Act To create the office of county license inspector in all counties of this State having a population of not less than 225,000 nor more than 400,000 inhabitants, according to the last or any subsequent Federal decennial census, and to provide for the appointment of a license inspector, fix his compensation, prescribe his duties and define his powers, and provide for the operation of his office.

Be It Enacted by the Legislature of Alabama:

Section 1: That Section 3 of Act No. 489 (HB922) of the Legislature of Alabama as approved September 3, 1953, be and the same hereby is amended to read as follows:

"Section 3: The Salary of the License Inspector shall be \$5400.00 per annum and shall be payable in equal monthly in-

stallments out of the general fund of the County. The license inspector shall be a county officer and shall maintain his office in the courthouse of the county."

Section 2: That Section 6 of said Act No. 489 (HB 922) of the Legislature of Alabama as approved September 3, 1953, be and the same hereby is amended to read as follows:

"Section 6: The license inspector herein provided for may appoint a chief clerk to serve at his pleasure, which chief clerk shall not be subject to any existing merit or civil service system in any such county, and such chief clerk shall receive a salary not exceeding \$3000.00 per annum to be fixed by the governing body of the county. Such license inspector may also appoint a sufficient number of clerks and assistants to assist him in the performance of the duties of his office, but all appointments of such clerks and assistants shall be made in strict conformity with the provisions of any existing civil service or merit system in such county, if any, and said license inspector shall be deemed to be the appointing authority within the meaning of any civil service or merit system of such county."

Section 3: If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications under this Act, which can be given effect without the invalid provisions and applications, and to this end the provisions of this Act are declared to be severable.

Section 4: All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 5: This Act shall take effect on the first day of the month next succeeding its passage and approval, or its otherwise becoming a law.

Approved: February 7, 1956.

Time: 10:03 A. M.

Act No. 72

H. 118—Dawkins, Hall, Goodwyn, Nolen

AN ACT

To amend Act No. 288, S. 319, approved August 26, 1955, which relates to the regulation and licensing of barbers and barber colleges in counties having a population of not less than 125,000 nor more than 225,000.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 288, S. 319, approved August 26, 1955, which relates to the regulation and licensing of barbers

and barber colleges in counties having a population of not less than 125,000 nor more than 225,000, is amended to read as follows:

“Section 3. Barber Commission. There shall be a barbers’ commission for the county hereby affected. The commission shall be composed of three members, one of whom shall be appointed by the governing body of the county, one shall be appointed by the governing body of the largest city in the county, and one shall be appointed by the county health officer. Each person appointed must have been a resident of the county for at least five years next preceding his appointment and must have had at least five years’ experience as a barber. Of the members first appointed, one shall serve for one year, one shall serve for two years, and one shall serve for three years; thereafter, each member shall serve for three years, and until his successor is appointed and qualified. Any vacancy occurring shall be filled by the authority which made the appointment of the vacating member. Before the commissioners herein provided for shall receive a commission and enter upon the discharge of their duties, each commissioner shall take and subscribe to the oath provided by law to be taken by elective officers of the State of Alabama. Immediately upon the qualification of three commissioners they shall organize by selecting from its members a chairman, and may do all things necessary or convenient for carrying into effect the provisions of this subdivision. Each member of the commission shall receive as full compensation for each day actually spent in the work of said commission the sum of Twelve and No/100 (\$12.00) Dollars per day and expenses not to exceed Three and No/100 (\$3.00) Dollars for expenses thereby incurred. The members of said commissions shall not be paid for their attendance for more than one meeting of not over one day’s duration during each calendar week. The Commission shall appoint, and at its pleasure discharge, a secretary, and the commission shall appoint an inspector who shall be a practicing barber of five or more years’ experience and who shall receive a salary to be fixed by the barber commission and shall be dischargeable at the pleasure of the commission, and shall give his full time to his duties; neither the secretary nor inspector shall be related by blood or marriage to any other person so employed by the commission or to the members of the commission; said commission shall also have the power to employ any other necessary help for the enforcement of this law; said commission shall outline their duties and fix their compensation subject to the general laws of this State. The commission shall obtain such office space, furnishings, and other conveni-

ences as shall be reasonably necessary for carrying out the provisions of this subdivision."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 7, 1956.

Time: 10:05 A. M.

Act No. 73

H. 126—Kelly

AN ACT

Authorizing the circuit clerk of Winston County to issue warrants in criminal cases.

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk of the circuit court of Winston County is hereby constituted a proper magistrate before whom complaints alleging the commission of public offenses may be made, and the circuit clerk of Winston County is hereby authorized and directed to issue any warrant in any criminal case in the same manner and under the same conditions and circumstances that magistrates enumerated in the general law may issue such warrants. Hereafter, whenever the word "magistrate" is used in any general law which authorizes the issuance of warrants in criminal cases, such word shall be construed to include the circuit clerk of Winston County.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 7, 1956.

Time: 10:06 A. M.

Act No. 74

H. 127—Kelly

AN ACT

To amend Section 2 (a) of Act No. 242 passed at the Regular Session of the 1955 Legislature establishing a Law and Equity Court of Winston County, Alabama, and defining its jurisdiction and powers.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 (a) of Act No. 242 passed at the Regular Session of the 1955 Legislature establishing a Law

and Equity Court of Winston County, Alabama, and defining its jurisdiction and powers be and is hereby amended to read as follows:

Section 2. (a) The court hereby established shall be a court of record and shall have and exercise the following jurisdiction, authority and powers:

(1) Exclusive jurisdiction of matters triable in the county court under general laws.

(2) Unlimited jurisdiction concurrent with the circuit court of such county in all civil and equity matters, including the power and authority to grant divorces, either limited or absolute, to award alimony and effect property settlements in connection with such divorces, and to determine the custody of children.

(3) To issue any and all special and extraordinary writs that the circuit courts or the judges thereof are authorized to issue.

(4) All other powers and authority that are or that may hereafter be conferred upon the circuit courts of the judges thereof, including the power to punish for contempt, unless otherwise provided in this Act.

Section 2. All laws and parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved: February 7, 1956.

Time: 10:10 A. M.

Act No. 75

H. 130—Meeks, Edwards (Jefferson), Vacca,
Perry, Kaul, Lackey, Nice

AN ACT

To increase the compensation of the Judge of the Jefferson County Court of Misdemeanors.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of the Jefferson County Court of Misdemeanors shall receive the sum of one thousand six hundred fifty dollars (\$1,650.00) per annum in addition to the compensa-

tion heretofore provided for by law. Such additional compensation shall be paid out of the general treasury of Jefferson County in equal monthly installments. The total compensation of said Judge shall not exceed the sum of eight thousand four hundred dollars (\$8,400.00) per annum.

Section 2. This act shall become effective January 1, 1957.

Approved: February 7, 1956.

Time: 10:11 A. M.

Act No. 76

H. J. R. 9—Hare, Haltom, Steagall, Fite

HOUSE JOINT RESOLUTION

WHEREAS, at the Regular 1955 Session of the Legislature a joint Resolution of the House and Senate was adopted, providing for the creation of a Judiciary Advisory Council for the study of existing practice and procedure in the courts of this State and other States, for the purpose of making improvements in the practice and procedure in the courts of Alabama; and,

WHEREAS, said Council was authorized to appoint members of the bench and bar to serve on a Commission to be known as the Commission for Judicial Reform to assist it in making a study of the practice and procedure in the courts of Alabama and make recommendations to the Judiciary Advisory Council; and,

WHEREAS, the following members of the bench and bar were appointed to serve on said Commission by the Judiciary Advisory Council: Chief Justice J. Ed Livingston, Judge Seybourn H. Lynne, Judge Hobart H. Grooms, Judge Reuben H. Wright, Justice James J. Mayfield, Judge Robert Hill, Judge Walter B. Jones, Hon. James J. Carter, Dean M. Leigh Harrison, Hon. Francis H. Inge, Gen. John D. Higgins, Judge John B. Scott, Hon. E. T. Brown, Jr., Hon. Jacob A. Walker, Sr., Hon. Truman Hobbs, Col. Marion Rushton, Hon. John Patterson, Hon. John H. Caddell, Col. Wm. S. Pritchard and Hon. Thomas E. Skinner, Chairman; and,

WHEREAS, the Commission and Council, pursuant to the authority of said Resolution have proceeded with a detailed study of the practice and procedure prevailing in this State and in other States, and have established a competent staff for the purpose of assisting the Commission and Council in making this study and in submitting to the Legislature, in legislative

form, a Bill to improve the practice and procedure in the courts of this State for the purpose of facilitating the administration of justice; and,

WHEREAS, the Judiciary Advisory Council has appointed an Advisory Panel on Rules of Evidence, composed of Judge J. Russell McElroy, Chairman; Justice Robert Tenant Simpson, Judge Roy Mayhall, Judge Whit Windham, Senator James A. Coleman, Jr., Representative Ryan deGraffenried, Hon. Walter B. Gewin, and Hon. Drew L. Redden; and,

WHEREAS, the Chairman of said Panel, Hon. J. Russell McElroy, has announced the object and purpose of said Panel is to assist the Commission for Judicial Reform by making a study of what it considers defects and handicaps in the present Rules of Evidence and make recommendation for the correction of unsound Rules of Evidence in the furtherance of Justice in circuit courts; and,

WHEREAS, the Judiciary Advisory Council, consisting of: Lt. Governor W. Guy Hardwick, the Speaker of the House Hon. Rankin Fite, Hon. N. S. Hare, Chairman, Senators E. W. Skidmore and Neil Metcalf and Representatives E. B. Haltom, Jr.; and Henry B. Steagall, II, have reviewed the work of the Commission and Council and consider that it is in the interest of economy in the administration of justice in this State that this work be completed and that the Council and Commission be continued until said work has been completed; and,

WHEREAS, the Legislature deems the completion of this important undertaking necessary and desirable and to the public's interest;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring, as follows:

1. That the Judiciary Advisory Council and the Commission for Judicial Reform, heretofore created pursuant to authority contained in Joint Resolution H. J. R. 35 at the Regular Session 1955, are hereby continued in existence under the authority heretofore granted in Joint Resolution H. J. R. 35 with the same powers and duties, and that the said Judiciary Advisory Council and the Commission for Judicial Reform are both instructed to complete their work and make their final reports on or before the 10th legislative day of the 1957 Regular Session of the Legislature; that all such expenses as may be incurred by the Judiciary Advisory Council as the result of the continuance thereof in the performance of its duties shall be paid, on order of the Chairman of the Council, out of the funds appro-

priated for the payment of expenses for any legislative sessions provided, however, that the amount so expended shall not exceed \$35,000.00 in addition to the amount heretofore authorized.

2. Upon completion of its work, the Judiciary Advisory Council may, with the approval of the Governor, transfer to the University of Alabama Law School all books, office equipment, supplies, and other property purchased by the Council.

Approved: February 7, 1956.

Time: 10:15 A. M.

Act No. 77

H. 33—Murphy, Simon, Tyson

AN ACT

To amend Act No. 825, H. 726, approved September 19, 1953, relating to the leasing of state lands for the production of oil and gas and minerals (1953 Acts 1111).

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 825, H. 726, approved September 19, 1953, which relates to the execution of leases of state lands for the production of oil and gas and minerals (1953 Acts 1111), is amended to read as follows:

“To provide for and fix the manner in which the Director of Conservation may execute oil, gas and mineral leases on all lands under the jurisdiction of the Department of Conservation; to further provide for the manner in which the Director of Conservation may execute oil, gas and mineral leases on lands belonging to other State departments or agencies; to further provide for the manner in which lands or any rights of interest therein under any navigable streams or navigable waters, bays, estuaries, lagoons, bayous or lakes, and the shores along the navigable waters to high tide mark, and submerged lands in the Gulf of Mexico within the historic seaward boundary of this State, which is hereby declared to extend seaward six leagues from the land bordering the Gulf, may be leased and managed by the Director of Conservation; to provide for pooling and unitization agreements; to provide for the disposition of revenue derived from such leases; to provide for the Governor’s approval for all such leases and agreements, and to further provide for the repeal of all laws in conflict with the provisions of this Act.”

Section 2. Section 4 of said Act No. 825 is amended to read as follows:

"The Director of Conservation, on behalf of the State, is hereby authorized to lease, upon such terms as he may approve, any lands or any right or any interest therein under any navigable streams or navigable waters, bays, estuaries, lagoons, bayous or lakes, and the shores along any navigable waters to high tide mark, and submerged lands in the Gulf of Mexico within the historic seaward boundary of this State, which is hereby declared to extend seaward six leagues from the land bordering the Gulf, for the exploration, development and production of oil, gas and other minerals, or any one or more of them, on, in and under such lands; and such lands or interests therein for such purposes shall be supervised and managed by the Department of Conservation."

Section 3. Section 7 of said Act No. 825 is amended to read as follows:

"The revenues that shall accrue under the provisions of this Act, from rentals, royalties and all other sources, and subject to the cost of administration, shall be the property of the department or institution to which said lands belong or in which said department or institution shall own the beneficial interest. All revenue accruing from the lease of the bed of any navigable streams, waterways, bays, estuaries, lagoons, bayous, lakes, and any submerged lands in the Gulf of Mexico within the historic seaward boundary of this State, under the provisions of this Act, subject to cost of administration, shall be paid by the Director of Conservation to the State Treasurer to become a part of the general funds of the State of Alabama. The Department of Conservation shall be entitled to five per cent of all revenues derived under the provisions of this Act as cost of administration. Such cost of administration shall be covered into the State Treasury by the Director of Conservation to the credit of either the State Lands Fund, the Forestry Fund or the State Parks Fund, as the Director deems appropriate and for the best interest of the Department."

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 7, 1956.

Time: 10:20 A. M.

Act No. 78

H. 47—Callahan, deGraffenried

AN ACT

To amend Act No. 373, H. 166, approved September 8, 1955, entitled "An Act to create and establish a State Fire College, to provide for an

Advisory Committee, an annual training session, and appropriations for carrying out the provisions of the Act."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 373, H. 166, approved September 8, 1955, entitled "An Act to create and establish a State Fire College, to provide for an Advisory Committee, an annual training session, and appropriations for carrying out the provisions of the Act," is amended to read as follows:

"Section 1. There is hereby created and established a State Fire College, the administration of which shall be under the State Superintendent of Education.

"Section 2. There shall be an Advisory Committee composed of nine practical firemen appointed by the State Superintendent of Education upon recommendation of the Alabama State Firemen's Association. A majority of the members of this committee shall be paid, part-paid or volunteer firemen from cities of 25,000 population or less. Committee members shall serve for terms of: two for five years, two for four years, two for three years, two for two years and one for one year. No member shall serve for more than five years without reappointment. It shall be the duty of the Advisory Committee to assist in finding and recommending competent instructor personnel and to review and recommend course content or changes in course content in line with changing conditions in the field of fire fighting. It shall also be the duty of the Advisory Committee to assist in promoting the State Fire College, to help maintain a public relations program and to recommend policy and procedure for the best interests of the State Fire College.

"Section 3. The State Fire College shall hold annual sessions at the University of Alabama at such time and for such a period as may be determined by the Advisory Committee and the State Superintendent of Education. At such sessions instruction shall be provided for representatives of paid, part-paid and volunteer fire departments of the State of Alabama. The manner of selecting the representatives and the number selected for each session shall be determined by the Advisory Committee and the State Superintendent of Education. The course of instruction shall consist of training in modern methods of fire fighting, fire prevention, rendering first aid in case of drowning and asphyxiation, and modern methods for the preservation of life and property.

"Section 4. There is hereby appropriated, out of any funds in the State Treasury, not otherwise appropriated, the sum of

forty thousand dollars (\$40,000.00) to be used to purchase necessary training equipment, materials and supplies, as approved by the Advisory Committee and the State Superintendent of Education, such purchases to be made by the Purchasing Agent of the State of Alabama. The appropriation herein made is in lieu of all other appropriations heretofore made for the uses and purposes herein mentioned.

“Section 5. The fire equipment authorized to be purchased by this Act and equipment previously purchased by state educational funds shall be housed and maintained by the Tuscaloosa Fire Department at the University Fire Training Station and shall be used for training firemen from over the State on a year-round basis. Other use of this equipment for normal and customary fire service shall be under the direction and at the discretion of the Chief of the Tuscaloosa Fire Department. The title and control of new equipment purchased under this Act and equipment previously purchased from state educational funds for fire training at the University of Alabama shall be vested in the State Department of Education.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 7, 1956.
Time: 10:21 A. M.

Act No. 79

H. 129—Dawkins, Goodwyn

AN ACT

To make an appropriation to pay the expenses of the Legislature.
Be It Enacted by the Legislature of Alabama:

Section 1. The sum of three hundred thousand dollars (\$300,000.00), or so much thereof as may be necessary, is hereby appropriated from any funds in the State Treasury not otherwise appropriated, for the payment of expenses of the Legislature, including the compensation and allowances of the members, officers and employees thereof. The appropriation herein made is in addition to all appropriations heretofore made for such purposes.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 7, 1956.
Time: 10:22 A. M.

Act No. 80

H. 87—Brannan

AN ACT

To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Baldwin County shall have or exercise police jurisdiction within Baldwin County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Baldwin County or over or on any person in Baldwin County or property or business or trade or profession in Baldwin County; nor shall any such municipality levy, fix or collect any license or fee of any kind on or for the exercise of any business, trade or profession done in Baldwin County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Baldwin County;

Be It Enacted by the Legislature of Alabama:

Section 1. That no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Baldwin County shall have or exercise police jurisdiction within Baldwin County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Baldwin County or over or on any person in Baldwin County or property or business or trade or profession in Baldwin County; nor shall any such municipality levy, fix or collect any license or fee of any kind on or for the exercise of any business, trade or profession done in Baldwin County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violation thereof have force or effect in Baldwin County.

Section 2. This Act shall become operative thirty days after its passage and approval or its otherwise becoming a law.

Section 3. All laws local, general and special in conflict herewith applicable to Baldwin County are expressly repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional such declarations shall not affect the part which remains.

Approved: February 7, 1956.

Time: 4:32 P. M.

Act No. 81

S. 83—Roberts

AN ACT

To alter or re-arrange the boundary lines of the City of Attalla, Etowah County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Attalla, Etowah County, Alabama, be, and the same are altered or rearranged so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama; all of which territory is more particularly described as being all of the territory lying within the County of Etowah, State of Alabama, included and embraced within the boundaries herein set out, to-wit:

Beginning at the Northeast Corner of Section Two, Township Twelve South, Range Five East of the Huntsville Meridian and running in a Westerly direction along the section line a distance of 3820 feet, more or less, to a point in the West Bank of Little Wills Creek; thence in a Northerly direction and along the West bank of said Creek a distance of 5200 feet, more or less, to a point in the North Line of the Southwest Quarter of the Northeast Quarter, Section 35, Township 11, Range 5; thence in a Westerly direction and along the quarter section line a distance of 3100 feet, more or less, to the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 35, Township 11, Range 5; thence in a Southerly direction and along the Section line a distance of 1320 feet, more or less, to the Southwest corner of the Southwest Quarter of the Northwest Quarter of Section 35, Township 11, Range 5; thence in a Westerly direction and along the half Section line a distance of 5280 feet, more or less, to the Northwest corner of Fraction 15, Section 34, Township 11, Range 5; thence in a Southerly direction and along the Section line a distance of 2640 feet, more or less, to the Southwest corner of Section 34, Township 11, Range 5; thence in a Southwesterly direction and along the North line of Fraction "A", Section 3, Township 12, Range 5, a distance of 1702 feet, more or less, to the Northwest corner of said Fraction "A"; thence in a Southerly direction and along the West line of Fractions "A" and "C" of Section 3, Township 12, Range 5, a distance of 3400 feet, more or less, to the Southwest corner of Fraction "C", Section 3, Township 12, Range 5; thence in a Southwesterly direction a distance of 2340 feet, more or less, to a point where the East line of Section 9, Township 12, Range 5 intersects the East Banks of Big Wills Creek; thence in a Southeasterly direction and along the East Bank of said Big Wills Creek a distance of 1600 feet, more or less, to a point which is 300 feet from and at right angles to the Northwest right of way line of the Attalla-Birmingham Highway; thence in a Southwesterly direction and parallel to said right of way

line a distance of 900 feet, more or less, to an iron stake, which iron stake is 300 feet from and at right angles to a point on the Northwest right of way line of the Attalla-Birmingham Highway, 158.3 feet Southwest of the Southwest end of Big Wills Creek Bridge; thence turn an exterior angle of 92 degrees and run in a Northwesterly direction a distance of 1250 feet to a point; thence turn an exterior angle of 51 degrees and 38 minutes and run in a Westerly direction a distance of 1689 feet to an iron stake at the intersection of the Southwest line of the Gilberts Ferry Road and the Northwest line of Cedar Street as shown on Whorton Homesites; thence in a Southwesterly direction and along the Northwest line of the said Cedar Street a distance of 500 feet, more or less, to a point on the East line of Lot 24, Block 26 of the Cloverdale Addition; thence in a Southerly direction and along the East line of said Lot 24 a distance of 60 feet, more or less to a point, which point is 325 feet, more or less, East of the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 9, Township 12, Range 5; thence in a Westerly direction and along the Quarter Section line a distance of 2305 feet, more or less, to a point in the North line of the Southwest Quarter of the Northwest Quarter of Section 9, Township 12, Range 5, which point is 660 feet West of the Northeast corner of said forty; thence in a Southerly direction and parallel to the East line of Sections 9 and 16 a distance of 5824 feet, more or less, to a point in the Southeast right of way line of the Alabama Great Southern Railroad; thence in a Northeasterly direction and along said right of way line a distance of 930 feet, more or less, to a point in the South line of the Northeast Quarter of the Northwest Quarter of Section 16, Township 12, Range 5; thence in an Easterly direction and along the quarter section line a distance of 3171.9 feet, more or less, to a point in the North line of the Southeast Quarter of the Northeast Quarter of Section 16, Township 12, Range 5, which point is 281.2 feet West of the center line of Usry Drive, as shown by map of Meadow Lawn No. 1, as recorded in Plat Book "E", Page 155, Office of the Judge of Probate of Etowah County, Alabama; thence in a Southerly direction and parallel to the center line of said Usry Drive and said center line extended in a direct line, a distance of 6590 feet, more or less, to a point in the south line of the Southeast Quarter of the Northeast Quarter of Section 21, Township 12, Range 5; thence in an Easterly direction and along the half section line a distance of 1121 feet, more or less, to the Southeast corner of said Southeast Quarter of the Northeast Quarter; thence in a Northerly direction and along the East line of said Southeast Quarter of the Northeast Quarter, a distance of 1320 feet, more or less, to the

Northeast corner of said Southeast Quarter of the Northeast Quarter; thence in an Easterly direction and along the Quarter Section line a distance of 3094.5 feet, more or less, to a point in the South line of the Northwest Quarter of the Northeast Quarter in Section 22, Township 12, Range 5, which point is midway between the Southeast corner and the Southwest corner of said forty; thence in a Northerly direction and parallel to the East line of Sections 22 and 15 a distance of 3957.5 feet, more or less, to a point in the South line of the Southwest Quarter of the Northeast Quarter, Section 15, Township 12, Range 5, which point is midway between the Southeast corner and the Southwest corner of said forty; thence in an Easterly direction and along the half section line a distance of 3265.5 feet to the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 14, Township 12, Range 5; thence in a Northerly direction and along the quarter section line a distance of 2662 feet, more or less, to a point in the East line of the Southwest Quarter of the Southwest Quarter, Section 11, Township 12, Range 5, which point is 40 feet North of the Center line of the Gilberts Ferry Road; thence in a Westerly direction and parallel to the Gilberts Ferry Road a distance of 2630 feet, more or less, to a point in the West line of the Northeast Quarter of the Northeast Quarter, Section 15, Township 12, Range 5; thence in a Northerly direction and along the quarter section line a distance of 1349 feet, more or less, to the Northeast corner of the Southwest Quarter of the Southeast Quarter, Section 10, Township 12, Range 5; thence in a Westerly direction and along the quarter section line a distance of 623.5 feet, more or less, to a point which is midway between the Northeast corner and the Northwest corner of said forty; thence in a Northerly direction and parallel to the East line of Section 10, Township 12, Range 5, a distance of 1900 feet, more or less, to a point in the Southwest bank of Big Wills Creek; thence in a Westerly direction and along the Southwest Bank of said Creek a distance of 2700 feet, more or less, to a point in the Southeast right of way line of the Alabama Great Southern Railroad; thence in a Northeasterly direction and along said right of way line a distance of 3550 feet, more or less, to a point in the South line of Fraction 14, Section 3, Township 12, Range 5; thence in an Easterly direction and along the section line a distance of 2340 feet, more or less, to the Southeast corner of Fraction 15, Section 3, Township 12, Range 5; thence in a Northerly direction and along the quarter section line a distance of 1320 feet, more or less, to the Northeast corner of Fraction 15, Section 3, Township 12, Range 5; thence in an Easterly direction and along the quarter section line a distance of 3960 feet to the

Northwest corner of Fraction "A", Section 2, Township 12 South, Range 5 East; thence in a Southerly direction and along the West line of said Fraction "A" a distance of 800 feet, more or less, to a point on the North Bank of Big Wills Creek; thence in an Easterly direction and along the North Bank of Big Wills Creek a distance of 1400 feet, more or less, to a point on the East line of said Fraction "A"; thence in a Northerly direction and along the East line of said Fraction "A" a distance of 1320 feet to the Northeast corner of said Fraction "A"; thence in an Easterly direction and along the quarter section line a distance of 1300 feet, more or less, to the Southeast corner of the Northeast Quarter of the Southeast Quarter, Section 2, Township 12, Range 5; thence in a Northerly direction and along the section line a distance of 3960 feet to the point of beginning, all of the above described lands lying and being in Sections 34 and 35, Township 11 South, Range 5 East and in Sections 2, 3, 4, 9, 10, 11, 14, 15, 16, 21 and 22, Township 12 South, Range 5 East, Etowah County, Alabama.

Section 2. That the boundaries set out in Section One of this Act be, and the same are hereby established as the corporate limits of said City of Attalla, Etowah County, Alabama, and all of the territory included and embraced within said boundaries shall hereafter be and constitute a part of the City of Attalla, Etowah County, Alabama.

Section 3. That all laws and parts of laws, both general, special and local, in conflict with this Act be, and the same are hereby repealed.

Section 4. That this Act shall go into effect immediately upon its approval by the Governor.

Approved: February 7, 1956.

Time: 4:33 P. M.

Act No. 82

S. 47—Boutwell, Coleman, Reeves, Davis (Pickens), Eddins, Robinson, Cooper, Givhan, Engelhardt, Yarbrough (Autauga), James, Jones, Davis (Lowndes), Smith, Bradford, Yarbrough (Randolph), Vann, Moses, Leonard, Little, Tate and Dyar.

AN ACT

Proposing amendments of Sections 137, 139, 256, 258, 259, 260, 269, and 270 of the Constitution of 1901 to provide further for the operation of public schools.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendments of the Constitution of 1901 are proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law.

1. It is proposed that Section 137 be amended to read as follows:

“Section 137. The attorney-general, state auditor, secretary of state, state treasurer, superintendent of education, and commissioner of agriculture and industries shall perform such duties as may be prescribed by law. The state treasurer and state auditor shall, every year, at a time fixed by the legislature, make a full and complete report to the governor, showing the receipts and disbursements of every character, all claims audited and paid out, by items, and all taxes and revenues collected and paid into the treasury, and the sources thereof. They shall make reports oftener upon any matters pertaining to their offices if required by the governor or the legislature. The attorney-general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall not receive to their use any fees, costs, perquisites of office or other compensation than the salaries prescribed by law, and all fees that may be payable for any services performed by such officers shall be at once paid into the state treasury. The legislature may require the attorney-general to defend any or all suits brought against the state, or any subdivision thereof, or against any state school board or state board of education, or against any county or city school board or board of education, or against like boards or commissions by whatever name designated, or against any members, officers or employees of any such boards, or against any school official or employee throughout Alabama.”

2. It is proposed that Section 139 be amended to read as follows:

“Section 139. The judicial power of the state shall be vested in the senate sitting as a court of impeachment, a supreme court, circuit courts, chancery courts, courts of probate, such courts of law and equity inferior to the supreme court, and to consist of not more than five members, as the legislature from time to time may establish, and such persons as may be by law invested with powers of a judicial nature; but no court of general jurisdiction, at law or in equity, or both, shall hereafter be established in and for any one county having a population of less than twenty thousand, according to the next preceding federal census, and property assessed for taxation at a less

valuation than three million five hundred thousand dollars. The legislature shall also have authority to constitute as judicial officers any or all of the members of state school boards, state boards of education, county school boards, city school boards, and like boards or commissions by whatever name designated, and all superintendents of schools and school officials and employees throughout Alabama, and to provide that all action taken by them, or any of them, requiring the exercise of discretion or judgment in connection with school matters be judicial action."

3. It is proposed that Section 256 be amended to read as follows:

"Section 256. It is the policy of the State of Alabama to foster and promote the education of its citizens in a manner and extent consistent with its available resources, and the willingness and ability of the individual student, but nothing in this Constitution shall be construed as creating or recognizing any right to education or training at public expense, nor as limiting the authority and duty of the legislature, in furthering or providing for education, to require or impose conditions or procedures deemed necessary to the preservation of peace and order.

"The legislature may by law provide for or authorize the establishment and operation of schools by such persons, agencies or municipalities, at such places, and upon such conditions as it may prescribe, and for the grant or loan of public funds and the lease, sale or donation of real or personal property to or for the benefit of citizens of the State for educational purposes under such circumstances and upon such conditions as it shall prescribe. Real property owned by the State or any municipality shall not be donated for educational purposes except to non-profit charitable or eleemosynary corporations or associations organized under the laws of the State.

"To avoid confusion and disorder and to promote effective and economical planning for education, the legislature may authorize the parents or guardians of minors, who desire that such minors shall attend schools provided for their own race, to make election to that end, such election to be effective for such period and to such extent as the legislature may provide."

4. It is proposed that Section 258 be amended to read as follows:

"Section 258. All lands or other property given by individuals, or appropriated by the State for educational purposes, and

all estates of deceased persons who die without leaving a will or heir, shall be used or applied to the furtherance of education."

5. It is proposed that Section 259 be amended to read as follows:

"Section 259. All poll taxes collected in this State shall be applied to the support and furtherance of education in the respective counties where collected."

6. It is proposed that Section 260 be amended to read as follows:

"Section 260. The income arising from the sixteenth section trust fund, the surplus revenue fund, until it is called for by the United States government, and the funds enumerated in Sections 257 and 258 of this constitution, together with a special annual tax of thirty cents on each one hundred dollars of taxable property in this state, which the legislature shall levy, shall be applied to the support and furtherance of education, and it shall be the duty of the legislature to increase the educational fund from time to time as the necessity therefor and the condition of the treasury and the resources of the state may justify; provided, that nothing herein contained shall be so construed as to authorize the legislature to levy in any one year a greater rate of state taxation for all purposes, including schools, than sixty-five cents on each one hundred dollars' worth of taxable property; and provided further, that nothing herein contained shall prevent the legislature from first providing for the payment of the bonded indebtedness of the state and interest thereon out of all the revenue of the state.

"Except as they may be specifically set aside in trust funds or otherwise applied to the payment of indebtedness, all proceeds of income or other taxes levied by the state, and of all special ad valorem or other taxes levied by counties and other municipalities, or school districts, pursuant to the constitution as heretofore amended, for public school purposes, shall be applied to the support and furtherance of education pursuant to Section 256 of the constitution, as amended."

7. It is proposed that Section 269 be amended to read as follows:

"Section 269. The several counties in this state shall have power to levy and collect a special tax (a) not exceeding ten cents on each one hundred dollars of taxable property in such counties, for the support and furtherance of education in such manner as may be authorized by the legislature; provided, that

the rate of such tax, the time it is to continue, and the purpose thereof, shall have been first submitted to a vote of the qualified electors of the county, and voted for by three-fifths of those voting at such election; but the rate of such special tax shall not increase the rate of taxation, state and county combined, in any one year, to more than one dollar and twenty-five cents on each one hundred dollars of taxable property; excluding, however, all special county taxes for public buildings, roads, bridges, and the payment of debts existing at the ratification of the constitution of eighteen hundred and seventy five."

8. It is proposed that Section 270 be amended to read as follows:

"Section 270. The provisions of this article and of any act of the legislature passed in pursuance thereof for educational purposes, shall apply to Mobile county only so far as to authorize and require the authorities designated by law to draw the portions of the funds to which said county shall be entitled for school purposes and to make reports to the superintendent of education as may be prescribed by law; and all special incomes and powers of taxation as now authorized by law for the benefit of public schools in said county shall remain undisturbed until otherwise provided by the legislature."

Section 2. An election upon the proposed amendment is ordered to be held on the 4th Tuesday in August 1956, unless that day arrives before the expiration of three months from final adjournment of the current Session of the Legislature, in which event, the election shall be held on the same day as the next general election in November 1956. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate January 17, 1956.

Passed the House February 7, 1956.

Act No. 83

H. 58—Huddleston

AN ACT

Relating to Colbert County; changing the method of compensating certain county officers; placing such officers on a salary; and providing for their assistants, and the office space and equipment necessary for the conduct of their offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Colbert County shall receive the following annual salaries in lieu of all other compensation:

(a) Judge of Probate — eight thousand four hundred dollars (\$8,400);

(b) Tax Assessor — seven thousand two hundred dollars (\$7,200);

(c) Tax Collector — seven thousand two hundred dollars (\$7,200);

(d) Sheriff — eight thousand four hundred dollars (\$8,400);

(e) Circuit clerk — six thousand dollars (\$6,000);

(f) Register of Circuit Court — four thousand two hundred dollars (\$4,200).

Section 2. The court of county commissioners, board of revenue, or like governing body of Colbert County shall provide compensation for clerks and assistants enumerated in this Act in such number as may be necessary for the efficient conduct of their offices. Temporary clerks, or assistants may be allowed any of such officers from time to time as deemed necessary by the county governing body. Each officer shall appoint his own clerks and assistants, and shall fix their compensation, subject to the approval of the board of revenue, court of county commissioners or like county governing body as to number and rate of pay.

Section 3. All fees, commissions, allowances, percentages, charges, and costs heretofore collected for the use of any of the officers enumerated in Section 1 of this Act shall be collected for the use of the county and paid into the general fund of the county. The compensation of the officers enumerated in Section 1 of this Act and of their clerks and assistants shall be paid in equal monthly installments from the general fund of the county in the same manner as employees of the county are paid.

Section 4. The court of county commissioners, board of revenue, or like governing body of Colbert County shall provide the Judge of Probate, Tax Assessor and Tax Collector with the necessary quarters, books, stationery, office equipment, supplies, postage, telephone service, and other conveniences and equipment for the proper and efficient conduct of the affairs of their offices.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective as to each officer named herein at the expiration of the term of the incumbent of such office, and upon the ratification of an amendment to the Constitution of Alabama authorizing the Legislature to fix, alter, and regulate the fees, commissions, percentages, allowances, or salaries of such officers.

Approved: February 9, 1956.
Time: 11:01 A. M.

Act No. 84

H. 94—Love

AN ACT

To provide an optional plan by which any county governing body in all counties with a present or future population of 40,000 and less than 45,000 may establish two or more voting places within an election precinct, to direct the grouping of not more than 300 names of qualified registered voters within such precinct in alphabetical order and the assignment of such groups to a designated voting place; to require the publication of such group-lists and their respective assignments to voting places within said precinct; to provide that this law shall not apply to election precincts wherein voting machines are lawfully in use; to provide for the repeal of all laws in conflict herewith; and to provide when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1: That the Courts of County Commissioners, or like governing body, in all counties in this state which now or may hereafter have a population of 40,000 and less than 45,000, according to the last or any succeeding Federal census, may, at their option or discretion, designate in their respective counties two or more voting places within the same election precinct when such governing body shall deem it necessary for the con-

venience of the voters therein. Such designation shall be by number and the appointed voting places may be within the same building or shelter and without regard to geographical area within the precinct.

Section 2: That the Judge of Probate or other lawful custodian of the list of qualified voters, whose duty it is to publish the list of qualified voters, shall, in those precincts designated by the county governing body pursuant to the authority in the preceding section, separate and group the names of qualified registered voters in alphabetical order, separating the male from the female, so that no group, male and female combined, shall contain more than three hundred qualified registered voters; and said officer shall on his published list of voters assign one such group to a designated voting place within said precinct and furnish such list to the election officers as required by law.

Section 3: The county governing body shall have the authority on adoption of the plan herein authorized to rescind any other division of the election precinct into election districts and in lieu thereof put into effect the plan for designation of voting places pursuant to Section 1 hereof. Said action to adopt the plan herein authorized shall not be mandatory but optional in any precinct, and shall be done not less than thirty days before an election.

Section 4: Whenever such governing body shall have established voting places pursuant to the authority herein contained, no other election district or subdivision of an election precinct into election districts shall be made or recreated until an order is made and entered upon the minutes of such governing body rescinding or abrogating their previous action hereunder. No such order shall be made within less than sixty days before any primary, special or general election.

Section 5: This act shall not be applicable to any election precinct or district wherein voting machines are lawfully in use, nor shall any county governing body have any authority hereunder to modify, change or alter election precincts or districts hereunder contrary to the existing law applicable to precincts or districts wherein such voting machines are in use.

Section 6: Subject to the provisions of the preceding section, all other laws, general, local or special, in conflict with the provisions hereof, or any such provision, be and the same are hereby repealed.

Section 7: This act shall become effective immediately upon its approval by the governor or when it shall otherwise become law.

Approved: February 9, 1956.

Time: 11:02 A. M.

Act No. 85

H. 139—Harrison, Ashworth, Callahan, de-
Graffenried, Brassell, Martin, Lee
(Barbour), McKay, Ramey, Stem-
bridge, Love, Killough, Edwards
(Escambia), Lackey, Nice, Bran-
yon, Thomas, Brown (Lamar),
Brown (Lee), McNider, Murphy,
Ward, Dement, Selman, Gist, Gil-
christ, Kelly, Speaks, Ferrell,
Hodges, Huddleston

AN ACT

To authorize the issuance of not more than four million dollars in principal amount of general obligation bonds of the State of Alabama, for the purpose of financing the construction, improvement, and equipment of buildings, and acquiring sites therefor, at the Alabama State Hospitals and at the Partlow State School for Mental Deficients; to make an appropriation for the payment of such bonds; to exempt the bonds and the interest thereon from taxation; and to make provision for the terms, specifications, execution, sale, and issuance of the bonds, and for the disposition of the proceeds thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby authorized to be issued not more than four million dollars in aggregate principal amount of bonds of the State of Alabama for the purpose of providing funds for the acquisition of building sites, for the construction, reconstruction, alteration, and improvement of building facilities, including renewal and replacement of structural parts, and for the procurement of equipment for buildings at the Alabama State Hospitals and at the Partlow State School for Mental Deficients.

Section 2. The bonds shall be direct and general obligations of the State of Alabama and the full faith and credit and taxing power of the State are hereby irrevocably pledged to the prompt payment of the principal thereof and interest thereon. There is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, such amount as may be necessary to pay the principal of and interest on such bonds as the same respectively mature.

Section 3. The members of the Alabama Building Commission and the Superintendent of the Alabama State Hospitals are hereby constituted an Alabama State Hospitals and Partlow State School Bond Commission with full authority to provide for the sale and issuance of the bonds. The Governor shall be chairman of the commission, the Director of Finance shall be the vice chairman, the Superintendent of the Alabama State Hospitals shall be the treasurer, and the State Budget Officer, although he shall not be a member of the commission, shall be the secretary thereof. No member of the commission shall receive compensation in any form for any duty rendered by him in connection with the issuance or sale of the bonds. The commission shall meet at the call of the chairman or vice chairman and its actions shall be authorized by the adoption of resolutions. A majority of the members of the commission shall constitute a quorum for the transaction of business, and the votes of a majority of the members of the commission shall be necessary for the adoption of any resolution or the taking of any action. The proceedings of the commission shall be reduced to writing and recorded in a substantially bound book. The proceedings shall be signed by the members of the commission and certified by the secretary thereof and filed by him with the Secretary of State, who shall retain such proceedings.

Section 4. The bonds may be sold, executed and delivered at any time, and may be in such forms, denominations, numbers, and series, and of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times, may be payable at such place or places within or without the State of Alabama, may bear interest at such rate or rates, not to exceed three percent, and may contain such provisions not inconsistent herewith, all as shall be specified in the resolution or resolutions of the commission under which they are issued; provided, that the principal of each series of bonds shall mature in annual installments, beginning in the next fiscal year after their issuance, in such amounts as shall be specified in the resolution or resolutions of the commission, the last installment of which shall be due not later than twenty years after the date of the bonds of such series; and provided further, that each series of bonds having an installment of principal maturing more than five years after the date thereof shall be made subject to redemption prior to maturity at the option of the State, at the end of the fifth year following their date and semiannually thereafter, as a whole or in part in the inverse order of the numbers of the bonds of that series, at a redemption price or prices not exceed-

ing the face value of each bond redeemed plus accrued interest thereon to the date fixed for redemption and a premium equal to one year's interest on each bond redeemed. The maturities of the bonds of each series shall, to such extent as may be practicable, be so arranged that the aggregate installments of principal and interest maturing during each fiscal year of the State on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided, that the determination by the commission that the requirements of this sentence have been complied with shall be conclusive of such compliance, and any failure to comply with the provisions of this sentence shall not affect the validity of any bonds issued hereunder. Each series of such bonds shall be sold at such time or times and at such price or prices as the commission may deem advantageous; provided, that none of said bonds shall be sold for less than their face value plus accrued interest thereon to the date of their delivery, and all such bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; and provided further, that any or all bids may be rejected. Notice of each bond sale shall be given by the commission by publication in either a financial journal or a financial newspaper published in New York, New York, and also by publication in a newspaper published in the State of Alabama, each of which notices must be published at least one time not less than fifteen days prior to the date fixed for the sale. The commission shall cause such other publicity to be given of each proposed bond sale as it may deem advisable, and it shall fix the terms and conditions under which each sale of bonds may be held; provided, that such terms and conditions shall not conflict with any of the requirements of this act. The commission is authorized to provide terms and conditions under which any of the bonds may be exchanged for like bonds of other denominations and may be converted from bearer bonds into registered bonds, either as to principal or interest or both as the commission may prescribe, and again converted into bearer bonds. The bonds, when not registered, shall be negotiable instruments.

Section 5. The bonds shall be signed in the name of the State by the Governor and shall be countersigned by the Director of Finance, as vice chairman of the commission, and the Great Seal of the State or a facsimile thereof shall be impressed, printed, or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided, that facsimile

signatures of any one or any two (but not all) of said officers may be reproduced on any such bonds in lieu of their manually signing the same, as shall be provided in the resolution of the commission. Any coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the State Treasurer, which facsimile signature is hereby adopted as due and sufficient authentication of said coupons. In the event any official whose signature shall be signed or reproduced on any of the bonds or on any interest coupons should cease to hold office before they are delivered and paid for, the bonds and the coupons applicable thereto on which such signature is signed or reproduced shall nevertheless be valid for all purposes to the same extent as though all the officials whose signatures are signed or reproduced on such bonds or coupons had remained in office until all thereof had been delivered and paid for.

Section 6. All bonds issued under the provisions of this act, together with the interest income thereon, shall forever be exempt from all taxation in this State.

Section 7. All expenses incurred by the commission in connection with the sale and issuance of each series of the bonds shall be paid by the commission out of the proceeds from the sale of the bonds of that series. The proceeds from each such sale remaining after payment of such expenses shall be covered into the State Treasury, and set apart therein in a special trust fund to be designated the Alabama State Hospitals and Partlow State School Bond Fund. All of the proceeds paid into the fund shall be used solely for the purposes for which the bonds are authorized, in Section 1 hereof, to be issued; provided, that the plans and specifications for any building constructed with moneys from said special fund shall be approved by the Alabama Building Commission, or any agency designated by the Legislature as its successor.

Section 8. No bonds shall be issued hereunder until the amendment to the Constitution of Alabama authorizing the issuance of bonds for the purpose of financing the construction, improvement, and equipment of buildings, and acquiring sites therefor, at the Alabama State Hospitals and the Partlow State School for Mental Deficients shall have become a part of the Constitution.

Section 9. The provisions of this act are severable. If any part of the act is declared unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 10. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing issuance of the bonds.

Approved: February 9, 1956.
Time: 11:04 A. M.

Act No. 86

H. 153—Brewer, Gilchrist

AN ACT

To amend Section 17 of an Act, approved July 7, 1947, entitled "An Act to amend an act approved September 24, 1919, entitled 'An Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that the said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County to the Morgan County Court's as last amended.'"; and to provide that this Act shall be retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 17 of an Act of the Legislature of Alabama, approved July 7, 1947, entitled "An Act to amend an act approved September 24, 1919, entitled 'An Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that the said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County to the Morgan County Court.' as last amended."; be and the same is hereby amended so as to read as follows:

Section 17. All laws pertaining to costs, fees, allowances, commissions, and other compensation in cases in the Circuit Court, and criminal cases in the County Court, as provided by the general laws of this State, shall be applicable to said court, except as herein otherwise provided. A trial tax of Two Dollars is imposed in each case, criminal and civil, both at law and in equity, which is docketed in said court, to be taxed and collected as other costs in said court, and when collected to be paid into the county treasury for the benefit of the general fund.

Section 2. This Act shall be effective immediately upon its passage and approval, and shall be retroactive to July 7, 1947, and neither the Clerk nor Register of said Court shall be re-

quired to pay to the State of Alabama or to Morgan County any percentage on monies collected for the State or for the County from which there was heretofore deducted a commission or percentage as allowed by the general laws to Clerks and Registers of the Circuit Court.

Approved: February 9, 1956.
Time: 11:05 A. M.

Act No. 87

H. 154—Gilchrist, Brewer

AN ACT

Relating to the provision of furniture, office equipment, stationery, postage, forms, telephone, school census enumeration and supplies required by the county superintendent of education and his office, authorizing the Board of Education of Morgan County to spend public school funds to provide the same, and relieve the Board of Revenue and Control of Morgan County of the requirement of furnishing the same.

Be It Enacted by the Legislature of Alabama:

Section 1. The Morgan County Board of Education is hereby authorized to expend public school funds for furniture, office equipment, stationery, postage, forms, telephone, school census enumeration and supplies required by the county superintendent of education and his office.

Section 2. The Morgan County Board of Revenue and Control is hereby relieved of the duty of providing for the county superintendent of education and his assistants any of the items specified in Section 1 hereof.

Section 3. All laws or parts of laws which conflict with this act are repealed insofar as they are inconsistent herewith.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its becoming a law otherwise.

Approved: February 9, 1956.
Time: 11:06 A.M.

Act No. 88

H. 155—Gilchrist, Brewer

AN ACT

Relating to Morgan County: Creating the office of commissioner of public schools in Morgan County to administer the public school laws, supervise the public school system, and promote the educational interests of the county; abolishing the office of county superintendent of

education; transferring the duties, powers, and authority of the county superintendent of education to the commissioner of public schools; and providing for the designation of the first commissioner of public schools of Morgan County and for the election of his successors in office.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of county superintendent of education of Morgan County is hereby abolished, and there is created in lieu thereof the office of commissioner of public schools of Morgan County. The commissioner of public schools of Morgan County shall administer the school laws of the State and county, supervise the public schools and public school system of the county, and have and exercise all the rights, powers, duties, and privileges vested in and required of county superintendents of education.

Section 2. Lester Wooten, of Morgan County, is hereby named and designated as the first commissioner of public schools of Morgan County under this Act, and he shall hold office until July 1, 1959. A commissioner of public schools for Morgan County shall be elected by the qualified electors of Morgan County at the general election to be held in November, 1958, and every four years thereafter. The commissioner of public schools shall take office on the first day of July next succeeding his election.

Section 3. No person shall be eligible for appointment or election to the office of commissioner of public schools of Morgan County who does not hold an Alabama certificate in administration and supervision based upon requirements established by the state board of education for such certificate, and who does not submit proof to the state superintendent of education of three years of successful educational experience as teacher, principal, supervisor, superintendent, educational administrator, or instructor in school administration during the five year next preceding his appointment or election. The commissioner of public schools of Morgan County must be at the time of his appointment or election and during his continuance in office a qualified elector of Morgan County.

Section 4. The term of office of the commissioner of public schools of Morgan County shall be four years, and he shall be removed only by impeachment, in the manner prescribed by law. Vacancies in the office of commissioner of public schools of Morgan County shall be filled exclusively by appointment of the county board of education. Any such appointee shall hold office only for the unexpired term. The commissioner of public schools of Morgan County shall devote his entire time to his

duties of office, and he shall receive an annual salary of six thousand five hundred dollars (\$6,500) and such traveling expenses as are provided for county superintendents of education under the general school laws of the State. He shall give bond in such penal sum as may be prescribed by the county board of education, in the manner and with the conditions provided for custodians of county school funds.

Section 5. The commissioner of public schools of Morgan County shall be the chief executive officer of the county board of education, and he shall also be secretary of the county board of education. The commissioner of public schools of Morgan County shall prepare the business for the meetings of the board, and shall see that the laws relating to the schools, and the rules and regulations of the state board of education and the county board of education, are carried into effect. All the powers, rights, privileges, prerogatives, and duties heretofore vested in or imposed upon the county superintendent of education are hereby transferred to the commissioner of public schools of Morgan County.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 9, 1956.

Time: 11:08 A. M.

Act No. 89

H. 156—Brewer, Gilchrist

AN ACT

Relating to Morgan County: To regulate further the insuring of school buildings and other school property.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Morgan County, and any city board of education in said county, may, in its discretion, insure public school buildings owned by the State, county, or city, within its jurisdiction or under its control, together with the equipment, furniture, fixtures, and other property in any such building, for the insurable value thereof, with insurance companies of its own choosing, and shall not be required to insure such property by or through the State Insurance Fund or the State Department of Finance, any other provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 9, 1956.

Time: 11:10 A. M.

Act No. 90

H. 168—McKay, Payne

AN ACT

To provide for the appointment of a clerk of the civil and misdemeanors court of South Talladega County, and to prescribe his qualifications, duties, and compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of the civil and misdemeanors court of south Talladega County established by Act No. 235, H. 557, approved July 19, 1951, may, with the approval of the court of county commissioners, board of revenue, or other governing body of Talladega County, appoint a clerk of the court, who shall keep a civil and criminal docket and a record of all proceedings had in the court, including a direct and reverse index to all civil cases and proceedings had or pending in the court, and shall perform such other duties as may be placed upon him by the judge of the court. He shall have the authority of a constable, and may execute all writs and other process issued by the court; but the fees collected for such service shall be paid into the general fund in the county treasury. The clerk, before entering upon the duties of his office, shall give bond in such penal sum as may be prescribed by the court of county commissioners, board of revenue, or like county governing body. Such bond shall be payable to Talladega County, and shall be conditioned upon the clerk's faithful discharge of his duties of office. The bond shall be filed in the office of the judge of probate of Talladega County, and the premium thereon shall be paid by the county.

Section 2. The clerk of the civil and misdemeanors court of south Talladega County shall receive as compensation for the services required of him by this Act the sum of two hundred dollars (\$200) per month, to be paid by the county from the general fund of the county. The exact amount of the clerk's compensation shall be fixed by the judge of the court with

the approval of the court of county commissioners, board of revenue, or other like governing body of the county.

Section 3. The clerk of the civil and misdemeanors court of south Talladega County must be, at the time of his appointment and during his continuance in office, a duly qualified elector of Talladega County who resides within the territorial jurisdiction of the court.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 9, 1956.

Time: 11:12 A. M.

Act No. 91

H. 171—Brannan

AN ACT

To amend Section 2 as amended of an act in reference to and to further provide for the Fine and Forfeiture Fund of the County of Baldwin, Alabama, by the transfer thereto of any surplus now in or hereafter accumulating in the County Solicitors Fund created by an act of this Legislature and provide the manner of transferring such surplus thereto, and to provide for the distribution of the surplus of such Fine and Forfeiture Fund, after the payment of all other claims and demands now or hereafter chargeable by law against such funds, first to the payment therefrom of the salary of a deputy sheriff for such county, in addition to and other than the deputy sheriff whose salary is paid out of the general fund of such county, and then by transferring any surplus remaining in such fund at the expiration of each sheriff's term of office, after the payment of all claims and demands now or hereafter by law chargeable against such fund including the salary of the deputy by this Act payable out of such fund to the general fund of the county, and to fix the amount of such deputy sheriff's salary payable from such fund and the time and manner of the payment thereof, and to provide that any deficiency in the payment of such salary in any calendar year or years may be paid from any surplus in such fund accruing in any succeeding year or years only during the term of office of the sheriff appointing such deputy, approved May 28, 1931, reported, Local Acts Alabama 1931, pages 83-84.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of an act, entitled an act in reference to and to further provide for the Fine and Forfeiture Fund of the County of Baldwin, Alabama, by the transfer thereto of any surplus now in or hereafter accumulating in the County Solicitors Fund created by an act of this Legislature and pro-

vide the manner of transferring such surplus thereto, and to provide for the distribution of the surplus of such Fine and Forfeiture Fund, after the payment of all other claims and demands now or hereafter chargeable by law against such funds, first to the payment therefrom of the salary of a deputy sheriff for such county, in addition to and other than the deputy sheriff whose salary is paid out of the general fund of such county, and then by transferring any surplus remaining in such fund at the expiration of each sheriff's term of office, after the payment of all claims and demands now or hereafter by law chargeable against such fund including the salary of the deputy by this act payable out of such fund, to the general fund of the county, and to fix the amount of such deputy sheriff's salary payable from such fund and the time and manner of the payment thereof and to provide that any deficiency in the payment of such salary in any calendar year or years may be paid from any surplus in such fund accruing in any succeeding year or years only during the term of the office of the Sheriff appointing such deputy, approved May 28, 1931 reported, Local Acts Alabama, 1931, pages 83-84, be amended to read as follows: "Section 2. That any surplus now in or that hereafter accumulates in the Fine and Forfeiture Fund of Baldwin County, after the payments of all other claims and demands now or hereafter chargeable against such fund, not less than \$7,200.00 and not more than \$10,800.00 a year, is hereby appropriated to the payment of the salaries of deputy sheriff's, not to exceed three in addition to and other than the deputy sheriff whose salary is paid out of the general fund of Baldwin County, such additional deputy sheriff's salaries to be paid in monthly installments of not less than \$200.00 and not more than \$300.00 to each deputy. The amount to be fixed by the county commissioners of Baldwin County; provided that if during any calendar year the surplus of such Fine and Forfeiture Fund shall not be sufficient to pay the salaries of such deputy sheriffs, any surplus thereafter accumulating in said fund in the succeeding year or years shall be applied to any deficiency in such salaries for the previous calendar year or years, but only for the term to which the sheriff appointing such deputies is elected or appointed, and that no deficiency in such Fine and Forfeiture Fund accruing under any sheriff's administration shall be chargeable against any surplus of such fund accumulating subsequent to the term of such sheriff in whose administration such deficiency occurs. The deputy's salaries herein provided for shall be paid by warrant drawn on such fund in the same manner as other claims are paid out of the said fund."

Section 2. That all laws or parts of laws, general, local or special in conflict herewith are repealed.

Section 3. This act shall go into effect immediately upon passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 9, 1956.

Time: 11:15 A. M.

Act No. 92

H. 172—Brannan

AN ACT

To provide for the establishment, maintenance, operation and financing of a public law library in Baldwin County, Alabama; to authorize the Baldwin County Commission, the governing body of said county, to expend public funds therefor; to provide for the taxing and collecting of additional court costs in certain courts of said county for such purpose and for the expenditure thereof; to designate the officers to accomplish the said purposes and to define the powers and duties of such officers with respect thereto.

Be It Enacted by the Legislature of Alabama:

SECTION 1: The Baldwin County Commission, the governing body of Baldwin County, Alabama, is hereby fully authorized to establish and maintain a public law library in the courthouse of said county and to accomplish such purpose may, from time to time, expend such public funds of said county as are not required by law to be expended for any other purpose or purposes; to provide suitable quarters or space for such library; to provide furniture, fixtures and equipment therefor; to keep the same in a good state of maintenance and repair; and from time to time to enlarge, expand and improve such library facilities and equipment and from time to time to provide such books, reports, periodicals and other equipment for said library as are not provided therefor out of the proceeds of the special fund created by this Act or otherwise, which expenditures shall from time to time be made on warrants drawn in the usual manner upon the county, payable out of the appropriate fund or funds.

SECTION 2: In order to provide a special fund for the creation and maintenance of said library, there shall be taxed as costs the sum of \$1.50 in each civil or quasi civil action at law suit in equity, criminal case, quasi criminal case, proceeding on a forfeited bond bail or a proceeding on a forfeited bond given in connection with an appeal from a judgment of conviction in any Justice of Peace or municipal court to the Circuit Court hereinafter filed in, arising in or brought by appeal,

certiorari or otherwise to the Circuit Court of Baldwin County, Alabama, which costs shall be collected as other costs in such cases are collected by the Clerk of said court or the Register in Chancery thereof, as the case may be, and shall be paid to the said Baldwin County Commission.

SECTION 3: There also shall be taxed as costs the sum of \$1.00 in each criminal case hereafter filed in the County Court of Baldwin County, Alabama, which costs shall be collected as other costs in such cases are collected, and when collected by the Clerk of said court shall be paid to the Baldwin County Commission.

SECTION 4: The sums to be paid to the said Baldwin County Commission, as herein provided, shall be kept in a special fund designated as "Baldwin County Law Library Fund" and shall be expended by the Judge of the Circuit Court of Baldwin County, Alabama, to create, establish and maintain the said law library. The said Circuit Judge shall draw warrants on the county for expenditures by him, indicating on the warrants the funds against which the warrants are to be drawn. The said fund shall be used primarily to purchase such books, periodicals and other library fixtures and equipment as, in the opinion of the said Circuit Judge, may be advisable, but to the extent not so used such funds may be otherwise expended for the maintenance of the library. The management of the said law library is and shall be vested in the Judge of the Circuit Court of Baldwin County, Alabama, and all books, periodicals, reports and other property purchased with the funds produced by this Act shall be the property of Baldwin County, Alabama; provided, however, that said Judge may from time to time sell or exchange such books, reports, periodicals and personal property as may be necessary to keep the said library up to date and apply the proceeds of the sale thereof or the value thereof upon the purchase of other books, reports, periodicals and personal property for use in said library. The Judge of the Circuit Court may accept any gift or loan of any books, reports, periodicals and other property for public use in said library upon such terms and conditions as may be stipulated by the donor or lender thereof and as may be agreeable to the said judge. The said Circuit Judge may designate the Clerk of the Circuit Court, Register in Chancery or any other suitable person to operate or assist in the operation of the said library.

SECTION 5: The said items of cost referred to above shall be designated in the respective courts as "Law Library Fee" and when any part of the costs in such a case or proceeding shall

have been paid, the amount necessary for the payment of said fee shall be applied thereto before applying any of the amount paid as costs to any other item of cost. On or before the tenth day of each month the clerk of the respective courts (including the Register in Chancery) shall pay to the said Baldwin County Commission the amounts collected for said law library fees previous to the first day of the month.

SECTION 6: If any part, provision or section of this Act shall be declared to be invalid, the invalidity thereof shall not affect the validity of any other part or provision of this Act, it being the intention to enact into law so much hereof as may validly become law, irrespective of the invalidity of any part hereof.

SECTION 7: This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved: February 9, 1956.

Time: 11:16 A. M.

Act No. 93

H. 173—Brannan

AN ACT

To prescribe the salary and the manner of payment of the same, of the Chief Deputy Sheriff for Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Chief Deputy Sheriff for Baldwin County, Alabama shall be fixed by the Court of County Commissioners of Baldwin County, Alabama in an amount of not less than \$2,400.00 and not more than \$4,200.00 to be paid in twelve equal monthly installments out of the General Fund of said County, upon the warrant of the Court of County Commissioners or other governing body of said County.

Section 2. That all laws and parts of laws in conflict herewith are hereby expressly repealed, and this act shall be of force and effect from and after the approval by the Governor, or its otherwise becoming a law.

Approved: February 9, 1956.

Time: 11:17 A. M.

Act No. 94

H. 175—Meeks, Perry, Lackey, Edwards
(Jefferson), Vacca, Nice

AN ACT

To amend Section 2 of Act No. 515, entitled An Act to alter the name of the Inferior Court of Ensley; to fix the salary of the Judge of

said court and regulate the payment thereof. Approved September 30, 1947 (Local Acts of Alabama, page 348).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of Act No. 515 entitled An Act to alter the name of the Inferior Court of Ensley; to fix the salary of the judge of said court and regulate the payment thereof, approved September 30, 1947 (Local Acts of Alabama, page 348) be and the same is hereby amended so as to read as follows: Section 2. That the salary of the Judge of the Municipal Court of Ensley is hereby fixed at Five Thousand Seven Hundred and no/100 (\$5,700.00) Dollars per annum and shall be paid to him out of the County Treasury of Jefferson County, Alabama in equal monthly installments.

Section 2. That the salary of said Judge now in effect shall remain the same until the expiration of the present term of office of such Judge and the salary provided in this Act shall take effect at the beginning of the next term of office of such Judge.

Section 3. This Act shall become effective on the first Monday after the second Tuesday in January, 1957.

Approved: February 9, 1956.

Time: 11:20 A. M.

Act No. 95

H. 176—Meeks, Perry, Edwards (Jefferson), Lackey, Vacca, Nice

AN ACT

To amend Sections 3 and 8 of Act No. 564, entitled An Act to regulate the trials of Civil Cases in Jefferson County, approved September 9, 1949 (Acts of Alabama 1949, page 891).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act No. 564, entitled An Act to regulate the trials of Civil Cases in Jefferson County, approved September 9, 1949 (Acts of Alabama 1949, page 891) be and the same is hereby amended so as to read as follows: Section 3. That the Judge of the Intermediate Civil Court of Birmingham shall receive an annual salary of Nine Thousand and no/100 (\$9,000.00) Dollars, payable in equal monthly installments out of the County Treasury of Jefferson County, Alabama.

Section 2. That Section 8 of Act No. 564, entitled An Act to regulate the trials of Civil Cases in Jefferson County, ap-

proved September 9, 1949 (Acts of Alabama 1949, page 891) be and the same is hereby amended to read as follows: Section 8. That the Municipal Court of Birmingham shall have civil jurisdiction over all that part of Jefferson County over which the Circuit Court sitting at Birmingham has jurisdiction, provided, however, that outside of the precincts composing its present jurisdiction, the jurisdiction conferred by this section shall not be exclusive, but shall be concurrent with justices of the peace and other courts there having like jurisdiction. That the judge of the Municipal Court of Birmingham shall receive an annual salary of Seven Thousand Five Hundred and no/100 (\$7,500.00) Dollars, payable in equal monthly installments out of the County Treasury of Jefferson County, Alabama.

Section 3. That the salary of said Judges now in effect shall remain the same until the expiration of the present term of office of such judges and the salary provided in this Act shall take effect at the beginning of the next term of office of such Judges.

Section 4. This Act shall become effective January 1, 1959.

Approved: February 9, 1956.

Time: 11:21 A. M.

Act No. 96

S. 5—Newton

AN ACT

To provide for the allowance of a discount of taxes due and payable by persons subject to the lodgings tax levied by Act No. 248, H. 87, approved August 16, 1955, in the same manner and to the same extent as the discount allowed under the provisions of Article 10, Chapter 20, Title 51, Code of Alabama (1940), as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. The Governor may, by executive order, authorize the State Department of Revenue to provide by proper rules and regulations for the allowance of a discount of taxes due and payable to the State by persons subject to the lodgings tax levied by Act No. 248, H. 87, approved August 16, 1955, in the same manner and to the same extent as the discount allowed persons licensed under the provisions of Article 10, Chapter 20, Title 51, Code of Alabama (1940), as amended. The discount provided for herein shall not exceed five per cent (5%) of the first one hundred dollars (\$100.00) of taxes levied and two per cent (2%) of the taxes levied over one hundred dollars (\$100.00) and due and payable to the State by persons subject to Act No. 248, H. 87, approved August 16, 1955. It is provided, however,

that the discount provided for herein shall be authorized or allowed only upon taxes which are paid before delinquency.

Section 2. This Act shall become effective on the first day of the month next following its passage and approval by the Governor or its otherwise becoming a law.

Approved: February 9, 1956.

Time: 11:22 A. M.

Act No. 97

S. 30—Skidmore

AN ACT

To amend further Act No. 461, H. 76, approved July 12, 1943 (General Acts of Alabama, 1943, p. 425), as amended by Act No. 886, H. 872, approved September 12, 1951 (Acts of Alabama, 1951, p. 1527), entitled "An Act To Abolish Bills of Exception in the Circuit Court and courts of like jurisdiction and all other courts of record having a full time Court Reporter and from which appeals lie directly to the Court of Appeals or the Supreme Court of Alabama in cases at law, and to provide for the evidence to be transcribed and made a part of the record and for assignments of error on the record."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 461, H. 76, approved July 12, 1943 (General Acts of Alabama, 1943, p. 425), as amended, is amended further to read as follows:

"Section 1. Bills of exception in the trial of cases at law in the Circuit Court and courts of like jurisdiction and all other courts of record having a full time Court Reporter and from which appeals lie directly to the Court of Appeals or the Supreme Court of Alabama, in the State of Alabama, are hereby abolished. If a party to a cause tried in such court desires to appeal from a judgment rendered, he shall, within 5 days after he perfects his appeal give notice to the court reporter, in writing, that he desires to appeal and request the evidence to be transcribed. The Court Reporter shall then promptly transcribe the evidence, including objections, oral motions, rulings of the court, and the oral charge of the Court, certify the same and file it with the Clerk within sixty days from the date on which the appeal was taken, or within sixty days from the date of the court's ruling on the motion for a new trial, whichever date is later. He shall also identify and copy all documents offered in evidence in the order in which offered. The evidence so transcribed and certified and filed shall be a part of the record, and assignments of error may be made as though the transcript constituted a bill of exceptions. If the reproduction of docu-

ments offered in evidence, such as maps or photographs, be difficult or impracticable, the court reporter shall so certify, and the Clerk shall thereupon attach the original, or a photostatic copy thereof, to the transcript on appeal, and such original or photostatic copy thereof shall be a part of the transcript on appeal. If bulky or heavy objects be offered in evidence as exhibits which are not capable of being attached to the transcript, the court reporter shall certify that such exhibits are bulky or heavy objects which are not capable of being attached to the transcript; that he has identified them as part of the transcript on appeal. The court reporter shall include in his certificate a statement that he has notified both parties or their attorneys of record of the filing of the transcript of testimony."

Section 2. Section 6 of said Act No. 461 is amended further to read as follows:

"Section 6. The court reporter's certified transcript shall be filed with the clerk within sixty (60) days from the date of the taking of the appeal or within sixty days from the date of the court's ruling on the motion for a new trial, whichever date is later; and any succinct statement of the evidence made in lieu of such transcript, as authorized in Section 5 hereof, shall be filed with the clerk within sixty (60) days from the date of the taking of the appeal, or within sixty days from the date of the court's ruling on the motion for a new trial, whichever date is later. Provided, that this period may be extended by the trial court for cause."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 9, 1956.

Time: 11:23 A. M.

Act No. 98

H. 64—Law

AN ACT

Relating to Elmore County: To prohibit the taking of fish from the public waters of Elmore County with hoop and fyke nets, seines, gill nets, trammel nets, fish traps or any other kind of commercial fishing gear, except setlines, trotlines, snaglines, and licensed baskets.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to use any hoop and fyke nets, seines, gill nets, trammel nets, fish traps,

or any other kind of commercial fishing gear, except setlines, trotlines, snaglines, and baskets licensed under the provisions of Act No. 17, H. 93, approved May 26, 1955, in taking or capturing fish from the public impounded waters and navigable streams in Elmore County, notwithstanding the fact that such person may be licensed by the Department of Conservation to use such gear in any other county. Whoever violates this Act is guilty of a misdemeanor and upon conviction shall be punished as prescribed by law.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 9, 1956.

Time: 11:23 A. M.

Act No. 99

H. 161—Brooks, Summerlin

AN ACT

Relating to the Second Judicial Circuit of Alabama; creating a fund for the use of the judge and solicitor of said circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Solicitors fees imposed in the circuit court and hereafter collected in the Second Judicial Circuit of Alabama under the provisions of Section 85 of Title 11, Code of Alabama (1940), as amended, shall be paid into the county treasury of the county where the fee is imposed, to be used and expended as provided in Section 2 of this Act.

Section 2. The solicitor and the judge of the Second Judicial Circuit are hereby authorized to requisition expenditures against the fund provided in Section 1 of this Act for the payment of expenses necessarily incurred by either of them in discharging the duties of his office, or in promoting its welfare; and also for supplies, postal service, books, fixtures, and facilities for use in conducting the business of the court or in the office of the circuit judge or in the court room; provided, that no requisition shall be made on the fund in any county of the circuit not sharing in the benefits flowing from such expenditure.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 9, 1956.

Time: 11:25 A. M.

Act No. 100

H. J. R. 30—Summerlin, Speaks

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House of Representatives, the Senate Concurring: That the members of the Legislature have learned with deep regret of the death of Dr. W. L. Parrish, a member of the Board of Trustees of Alabama Polytechnic Institute and former judge of probate of Chilton County, and hereby extend sincere sympathy to the family of Dr. Parrish for their great loss.

Approved: February 9, 1956.

Time: 11:26 A. M.

Act No. 101

H. J. R. 31—Hawkins

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House of Representatives, the Senate Concurring, that the Acts and Journals of this 1956 Special Session of the Legislature be bound with the Acts and Journals of the 1957 Regular Session of the Legislature.

Approved: February 9, 1956.

Time: 11:27 A. M.

Act No. 102

S. 10—Jones

AN ACT

To validate elections held since June 5, 1951, under the provisions of Articles 6 and 7 of Chapter 10, Title 52, Code of Alabama (1940).

Be It Enacted by the Legislature of Alabama:

Section 1. All elections, whether in county or city school districts or in counties at large, which have been held since June 5, 1951, under the provisions of Articles 6 and 7 of Chapter 10,

Title 52, Code of Alabama (1940), or under any other law, for the purpose of authorizing a special tax for any school purpose or for school purposes generally under the Constitution of Alabama, which said elections resulted in a majority of the votes cast being in favor of the said tax and which said elections were irregular by reason of failure prior to the actual holding of the elections to give notice thereof in a newspaper or by reason of any other irregularity, be and the same are hereby ratified and confirmed and given effect in all respects as if all provisions of law relating to such elections had been duly and legally complied with, and that said tax may be levied and collected accordingly; provided that the provisions of this Act shall not apply to elections which have been in express terms held and declared illegal by any board of revenue or court of county commissioners or by the Supreme Court of Alabama prior to the passage of this Act.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved: February 9, 1956.

Time: 11:28 A. M.

Act No. 103

S. 86—Grisham

AN ACT

To authorize cities having a population of not less than 23,500 nor more than 28,000, according to the last or any subsequent federal decennial census, to share the cost of acquiring and installing voting machines when the use of such machines has been authorized in a county-wide referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of commissioners, city council, or like governing body of all cities having a population of not less than 23,500 nor more than 28,000, according to the last or any subsequent federal decennial census, shall have full power and authority, in its discretion, to appropriate city funds for the purpose of sharing the cost of acquiring and installing voting machines in any county when the use of voting machines in county and municipal elections has been authorized in a county-wide referendum. The portion of the cost to be borne by any such city shall be in such an amount as the board of commissioners or other governing body of the city may determine reasonable and proper.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 9, 1956.

Time: 11:30 A. M.

Act No. 104

H. 148—Fite

AN ACT

To authorize and provide for the planning, designation, establishment, use, regulation, alteration, improvement, maintenance, and vacation of controlled access facilities; defining such terms; providing for the acquisition of lands required therefor; the restriction of intersections and control of approaches; the establishment of local service roads; the prohibition of certain acts thereon and provision for penalties therefor; and for other purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the declared policy of this State to facilitate the flow of traffic and promote public safety by controlling access to highways included in the National System of Interstate Highways as selected by joint action of the Alabama State Highway Department and the United States Bureau of Public Roads.

Section 2. Definitions and nature.

(a) Interstate highway means any highway now included or which shall hereafter be included as a part of the National System of Interstate Highways, selected by joint action of the Alabama State Highway Department and the United States Bureau of Public Roads.

(b) A controlled access facility is defined as a highway or street included in the National System of Interstate Highways especially designed for through traffic and over, from, or to which owners, or occupants of abutting land, or other persons, have no right of easement or access from abutting properties. Such highways or streets may be parkways from which trucks, buses, or other commercial vehicles shall be excluded; or they may be freeways open to use by all customary forms of street and highway traffic.

Section 3. Establishment, designation, alteration, vacation, improvement of; Powers of highway authorities. **Be It Further Enacted, That the State Highway Director, acting alone or in**

cooperation with counties, cities, towns or any Federal, State or local agency, or any other State having authority to participate in the construction and maintenance of highways, is authorized to plan, designate, establish, regulate, vacate, alter, improve, maintain, and provide controlled access facilities for public use wherever such authority or authorities are of the opinion that traffic conditions, present or future, will justify such special facilities; provided that in the case of designation or vacation such designations or vacations must be approved by the State Highway Director. Said authorities may regulate, restrict, or prohibit the use of such controlled access facilities by the various classes of vehicles or traffic in a manner consistent with Section 2 of this Act.

Section 4. Highway authorities; extent of power of: Right of ingress to or egress from. Be It Further Enacted, That the State Highway Director is authorized to so design any controlled access facility and to so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended. In this connection such highway authority is authorized to divide and separate any controlled access facility into separate roadways by the construction of raised curbsings, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes, and other devices. No person shall have any right of ingress or egress to, from or across controlled access facilities to or from abutting lands, except at such designated points at which access may be permitted or service roads provided, upon such terms and conditions as may be specified from time to time.

Section 5. Acquisition of property: Title acquired. Be It Further Enacted, that for the purpose of this Act, the highway authorities of the State, acting alone or through the counties, cities and towns may acquire private or public property and property rights for controlled access facilities and service roads, including rights of access, air, view, and light, by gift, device, purchase or condemnation in the same manner as such authorities are now or hereafter may be authorized by law to acquire such property or property rights in connection with highways and streets within their respective jurisdiction. In connection with the acquisition of property or property rights for any controlled access facility or portion thereof, or service road in connection therewith, the State, county, city, or town highway authority is hereby authorized, in its discretion, to acquire an entire lot, block, or tract of land, even though such entire lot, block, or tract of land is not immediately needed for the right-

of-way proper; provided, however, authority is not granted to acquire property not immediately needed for the right-of-way proper unless the owner of such property shall consent thereto.

Section 6. New and existing facilities; grade crossing elimination. Be It Further Enacted, That the State or any of its subdivisions shall have authority to provide for the elimination of intersections at grade of controlled access facilities with existing State or county roads, and city or town streets by grade separation of service road or by closing off such roads and streets at the right-of-way boundary line of such controlled access facility; and after the establishment of any controlled access facility, no highway or street which is not a part of said facility shall intersect the same at grade. No city or town street, county or State highway, or other public way shall be opened into or connected with any such controlled access facility without the consent and previous approval of the Highway Director. Provided, however, that the Highway Director may, whenever he determines that traffic is not thereby impaired, authorize the continued intersection at grade of lightly traveled entrances and minor public roads as ways of access to controlled access facilities in sparsely populated areas.

Section 7. Agreements with political sub-divisions or with Federal government. Be It Further Enacted, That the State Highway Director is authorized to enter into agreements with counties, cities, towns or the Federal government respecting the financing, planning, establishment, improvement, maintenance, use, regulation, or vacation of controlled access facilities or other public ways in their respective jurisdictions, to facilitate the purposes of this Act.

Section 8. Extent of authority with respect to local service streets and roads. Be It Further Enacted, That in connection with the development of any controlled access facility, the State Highway Director is authorized to plan, designate, establish, use, regulate, alter, improve, maintain, and vacate local service roads and streets or to designate as local service roads and streets any existing road or street, if in his opinion such local service roads and streets are necessary or desirable. Such local service roads or streets shall be of appropriate design and shall be separated from the controlled access facility proper by means of all devices designated as necessary or desirable by the proper authority.

Section 9. Severability. Be It Further Enacted, That if any section, provision or clause of this Act shall be declared

unconstitutional, invalid, or inapplicable to any person or circumstances, such unconstitutionality, invalidity or inapplicability shall not be construed to affect the provisions not so held of persons or circumstances not so affected. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would have been declared unconstitutional, invalid, or inapplicable. All laws or portion of laws inconsistent with the policy and provisions of this Act are hereby repealed to the extent of such inconsistency in its application to controlled access facilities provided for in this Act.

Section 10. Time of: Take effect: Be It Further Enacted, That this Act shall become effective immediately upon its passage and approval of the Governor or its otherwise becoming a law.

Approved: February 9, 1956.

Time: 11:31 A. M.

Act No. 105

H. 157—Boyd, Bassett

AN ACT

To permit banks now or hereafter having a combined paid-in capital and paid-in earned surplus of more than Six Hundred Thousand Dollars and situated in Counties having a population according to the 1950 or any subsequent decennial census of the United States of not less than 30,400 inhabitants nor more than 35,000 inhabitants, to establish, maintain, or operate new branches or branch banks, branch offices, branch agencies, additional offices or branch places of business within the limits of such County in which said bank is situated, for the receipt of deposits, payment of checks, lending of money, and the conduct of a general banking and trust business, by and with the written consent of the State Superintendent of Banks.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in, and only in, Counties having a population of not less than 30,400 inhabitants nor more than 35,000 inhabitants, according to the 1950 or any subsequent decennial census of the United States provided, however, that the provisions of this Act shall not apply to Elmore County.

Section 2. Any bank, whether incorporated or unincorporated, within this State, now or hereafter having a combined paid-in capital and paid-in or earned surplus of at least Six Hundred Thousand Dollars and situated in such County, shall have the power to establish, maintain, and operate within the

limits of any such County, where the principal place of business of such bank is situated, one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that such bank before the establishment of any such branch or branches, shall first secure the written consent thereto of the State Superintendent of Banks.

Section 3. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are, hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

This bill became an Act on February 9, 1956 without approval by the Governor.

Act No. 106

H. 39—Brassell

AN ACT

To amend Act No. 344, H. 301, approved September 5, 1955, which created the Fort Morgan Historical Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 344, H. 301, approved September 5, 1955, the Act which created the Fort Morgan Historical Commission, is amended to read as follows:

"Section 2. Regular meetings of the commission shall be held twice each year at Fort Morgan, at such times as may be determined by the members of the commission. In addition, the chairman of the commission may, in his discretion, call a special meeting of the commission at any time, upon giving due notice to members of the commission. The vice-chairman may call a meeting of the commission in the absence or inability of the chairman. The commission may remain in session for the purpose of transacting business for a period not to exceed three days at any one regular or special session, and shall not be in session for more than eighteen calendar days in any one calendar year. Four members of the commission shall constitute a quorum for the purpose of transacting business. Each member of the commission, other than the chairman, shall be entitled to receive ten dollars (\$10.00) for each day's attendance at a meeting of the commission, plus actual subsistence and traveling expenses incurred in attending such meetings."

Section 2. Section 6 of said Act No. 344 is amended to read as follows:

"Section 6. A secretary and historian and an assistant secretary of the commission shall be appointed by the commission and shall serve at the pleasure of the commission. The person appointed as secretary shall reside at Fort Morgan during the time in which he is employed, and shall perform such duties as may be required by the commission. The secretary or historian shall receive a salary of four thousand five hundred dollars (\$4,500.00) per annum, payable in equal monthly installments, out of funds appropriated for the commission, as the salaries of other state employees are paid. The assistant secretary shall receive an annual salary of not less than one thousand eighteen hundred dollars nor more than three thousand six hundred dollars, to be fixed by the commission, and payable in the same manner as the salary of the secretary."

Section 3. Section 8 of said Act No. 344 is amended to read as follows:

Section 8. The commission is hereby authorized to accept all gifts, bequests and donations from any source whatsoever. All gifts, bequests and donations, and all other monies accruing to the commission, including all monies appropriated by the Legislature of the State of Alabama, shall be deposited in the state treasury to the credit of the Fort Morgan Historical Commission, and shall be expended only on requisitions signed by the chairman or vice-chairman of the commission. All funds deposited in the state treasury to the credit of the commission shall be expended in accordance with the terms of the gift, bequest, donation, or appropriation from which such funds are derived, but in the absence of any such terms or stipulations, such funds shall be expended for such purposes as the commission may determine. No funds shall be expended for any purpose unless they have been allotted and budgeted in accordance with the provisions of Article 3 of Chapter 4 of Title 55, Code of Alabama (1940), in the amounts and for the purposes provided by the legislature in the general appropriation bill; provided, that funds appropriated for the biennium ending September 30, 1957, may be used for salaries, other expenses and capital outlay."

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 10, 1956.
Time: 9:00 A. M.

Act No. 107

H. 150—Simon, Tyson

AN ACT

To create and provide for in the City of Prichard, Alabama, a special fund to be known as "The Municipal Employees Pension and Relief Funds"; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent municipal employees of such City; to provide for the creation of such funds and for appropriation from such City to make up any deficit therein; to provide how such funds shall be raised, acquired or gathered; to provide for the placement and handling of such funds; to provide who shall hear and determine applications for pensions and relief hereunder, and for the drawing of warrants against said funds; to provide against such funds being subject to garnishment or levy or sale under execution or otherwise; to provide payments for disabled employees of the various departments in such City during the term of such disability, and for the retirement of such members or employees on pension, whether by reason or term of office or disability; to provide for an appropriation for funeral expense upon the death of any employee in such City; to provide for the examination by proper authorities of such members or employees in case of sickness or disability; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees and for the creation of a Board of Pensions for all purposes in connection herewith. To provide penalties for the violation of the provisions of this Act; to provide an effective date for this Act; and to provide that the invalidity or unconstitutionality of any section, provision or other portion of this Act shall not affect the validity of any other section, provision or other portion hereof.

Be It Enacted by the Legislature of Alabama:

SECTION 1.

There is hereby created and provided for in the City of Prichard, Alabama special funds to be known as "The Municipal Employees Pension and Relief Funds", which shall exist and be maintained for the benefit of the persons hereinafter referred to, and shall be derived and raised in the manner hereinafter provided.

SECTION 2.

Such funds shall be set apart by the City Clerk or other person performing the duties of the City Clerk of the City of Prichard, Alabama into separate funds which shall be held and maintained by the City of Prichard as hereinafter provided.

SECTION 3.

There shall be a pension and relief system which shall apply to and include all permanent employees of the City of Prichard,

Alabama, which such pension and relief system shall be administered through a fund to be known as "The Municipal Employees Pension and Relief Fund", hereinafter referred to as the "fund", as provided for herein, which such fund shall be derived and raised, received, obtained and created, although not exclusively, in the following manner:

By payment into the fund by the proper authorities of the City of Prichard a monthly amount equal to seven and one-half ($7\frac{1}{2}\%$) per cent of the compensation paid to every employee of the City of Prichard covered by this Act. Of such seven and one-half ($7\frac{1}{2}\%$) per cent, two and one-half ($2\frac{1}{2}\%$) percent shall be held and deducted by the proper authorities from the salary or compensation of each employee covered, and the remaining five percent (5%) shall be paid into the fund by the proper authorities of the City of Prichard from funds other than funds derived from the aforesaid two and one-half percent ($2\frac{1}{2}\%$) held and deducted from the salaries or other compensation of the employees covered by the Act.

SECTION 4.

Monies or other things of value may be donated to the fund by any person, firm or corporation. Such donations or gifts may be outright, in which such event the corpus thereof shall become a portion of the fund, or may be held in trust by the person or persons responsible for the operation of the fund, with the profits or income therefrom becoming a part of the fund.

SECTION 5.

All monies properly belonging to the fund shall be kept in a separate account or accounts, and may, in the discretion of the persons charged with the duties of the administering the fund be invested in any securities provided by law to be suitable investments for trust funds. The mortgages, bonds or other evidences of indebtedness shall be maintained and kept separate and apart from other municipal securities; provided that the City Council may employ the services of a national bank in Mobile County to handle all matters relative to the investment of the funds derived hereunder.

SECTION 6.

Every permanent employee of the City of Prichard shall come under the provisions and benefits of this Act; provided, that no elected official of the City of Prichard shall be entitled to the benefits hereof.

SECTION 7.

The City Council of the City of Prichard shall hear and decide all applications for pensions and relief under this Act and

the decision of such application shall be final and conclusive and not subject to review or reversal except by such authorities. The City Council shall cause a complete and separate record to be kept of all its meetings and proceedings under this Act.

SECTION 8.

Warrants drawn against the fund shall be signed and executed by the regular authorities of the City of Prichard. Such warrants shall, however, be of a different color or otherwise distinguishable from other City warrants, and shall be kept separate and apart therefrom. No portion of said pension and relief funds shall, before or after its order for distribution, be seized or held or be in anywise subject to garnishment or levy or execution or attachment issued out of or by any Court of this State or any other state, so far as same may be sought to respond to the payment or satisfaction of any debt, damage, demand, claim, judgment or decree against any beneficiary in such fund, but shall be totally exempt therefrom.

SECTION 9.

That if any employee of the City of Prichard, while in the performance of his or her duties, becomes and is found to be temporarily totally disabled, mentally or physically, for service to the City of Prichard, by reason of service therein, the City Council shall order the payment of and there shall be paid from the proper fund herein provided for, to such disabled member, an amount equal to fifty percent (50%) of his or her compensation at the time of the commencement or discovery of such disability, or an amount equal to fifty percent (50%) of the average compensation of such employee over the past five (5) calendar years, whichever shall be the greater, not exceeding One Hundred (\$100.00) Dollars per month during such total disability, which payment shall be made monthly or semi-monthly and for a period not longer than one (1) year; and such disability shall be arrived at by such authority, after report from a reputable physician designated by the City Council, and after the consideration of such other evidence, medical or otherwise which the City Council may desire to conduct; this, provided such employee, during the same period is paid no salary as an employee of the City of Prichard.

SECTION 10.

BENEFITS FOR RETIREMENT CAUSED BY DISABILITY

If any employee of the City while in the performance of his or her duties, becomes or is found to be physically or mentally permanently disabled for services in his or her respective de-

partments, by reason of service therein, so as to render his or her retirement from such services necessary, the City Council shall make such necessary orders and shall retire such disabled employees from service in the department in which the disability occurred; and upon such retirement, such member shall be paid monthly or semi-monthly, from the fund, an amount equal to sixty percent (60%) of his or her compensation at the time of such disability or any amount equal to sixty percent (60%) of average compensation of such employee over the past five (5) years, whichever shall be the greater. Provided that such payment shall not continue for a period of longer than five (5) years; provided further that during such five (5) years such employee shall be considered an employee of the City of Prichard for retirement purposes. Should any employee of the City of Prichard who has been employed in the City's service for a period of fifteen (15) years be found physically or mentally totally or partially disabled through no misconduct on his or her part for service in any City department so as to render his or her retirement from such service necessary, the City Council of the City of Prichard shall make necessary orders, and shall retire such disabled employee from service with the City, and upon such retirement said City employee shall be paid monthly or semi-monthly from the fund an amount equal to fifty per cent (50%) of his compensation at the time of his or her becoming disabled or such disability being discovered, or an amount equal to fifty percent (50%) of the average compensation of such employee over the past five (5) calendar years, whichever shall be the greater. Provided that such payments shall not continue for a period of longer than five (5) years; provided further that during such five (5) years such employee shall be considered an employee of the City of Prichard for retirement purposes. Such employee may be called back and examined at any time under the orders of the City Council of the City of Prichard, and may be ordered back to active service, or to perform other services in connection with the City, such as he is able to perform according to the instructions, findings and orders of the Prichard Council.

SECTION 11.

Any employee of the City of Prichard, except as herein otherwise provided, who has been in the service of the City for as long as twenty (20) consecutive years and who is then employed by the City, upon his or her making application to the City Council shall be retired from service as an employee without medical examination or disability. Any employee who has been in the service of the City for as long as twenty (20) consecutive years and whose employment has been terminated prior to his making application for retirement from services as an employee shall be entitled to make application for retirement as an employee with-

out medical examination or disability as if he were yet an employee of the City provided such application is made in writing to the City Council of the City of Prichard within sixty (60) days from the date his employment was terminated, and be entitled to the benefits accorded by this Act. In the event of the discharge, without just cause, of any permanent employee who has served as many as ten (10) continuous years, such person shall, upon reaching the retirement age, as the case may be, be entitled to and receive from the fund a sum equal to two and one-half percent ($2\frac{1}{2}\%$) of his or her annual compensation at the time of his or her discharge, or two and one-half percent ($2\frac{1}{2}\%$) of the average annual compensation of such employee over the past five (5) calendar years, whichever shall be greater, for each year or major fraction thereof that said employee shall have served at the time of dismissal. Upon retirement in the manner provided by this Act, the said City Council shall direct the payment of such retiring person monthly, from the fund a sum equal to one-half ($\frac{1}{2}$) of the compensation or salary received by such retiring person as salary in the service of employment of said City at the time of his or her retirement or termination; or an amount equal to fifty percent (50%) of the average compensation of such employee over the past five (5) calendar years, whichever shall be the greater, provided, however, that such payments to said retired person shall not commence or be effective until said person has attained the age of fifty-five (55) years.

SECTION 12.

Any employee of the City who has been in the service thereof for as long as twenty-five (25) years, the last ten (10) years of which have been continuous, upon making written application to the City Council therefor, shall, without medical examination or disability, be retired from service of such City and upon such retirements, the said Council shall direct the payment to such retiring employees, if he be fifty-five (55) years of age or more, as the case may be, monthly from such fund, a sum equal to one-half ($\frac{1}{2}$) of the monthly compensation received by such employee as salary at the time of his retirement, or an amount equal to fifty percent (50%) of the average compensation of such employee over the past five (5) calendar years, whichever shall be the greater. Any employee of the City who has been in the service thereof for as long as thirty (30) years continuously or as long as thirty-five (35) years, the last ten (10) years of which have been continuous, upon making written application to the Council therefor, shall, without medical examination or disability be retired from service of such City, and upon such retirement the Council shall direct the payment to such retiring employee, if he be fifty-five (55) years of age

or more, or sixty (60) years of age, as the case may be, monthly from such fund a sum equal to fifty-five percent (55%) of the monthly compensation received by such employee as salary at the time of his retirement, or an amount equal to fifty-five percent (55%) of the average compensation of such employee over the past five (5) calendar years, whichever shall be the greater. Any employee of the City who has been in the service thereof for as long as thirty-five (35) years or longer continuously, or as long as forty (40) years, the last ten (10) years of which have been continuous, upon making written application to the Council therefor, shall, without medical examination or disability, be retired from service of such city and upon such retirement, the said Council shall direct the payment to such retiring employee, if he be fifty-five (55) years of age or more, or sixty (60) years of age as the case may be, monthly from such fund, a sum equal to sixty percent (60%) of the monthly compensation received by such employee as salary at the time of his retirement, or an amount equal to sixty percent (60%) of the average compensation of such employee over the past five (5) calendar years, whichever shall be the greater.

SECTION 13.

That whenever an active or retiring employee of the City shall die while in the employ of such City, there shall be appropriated and paid from the said funds the sum of Two Hundred Fifty (\$250.00) Dollars for funeral and burial expenses of such deceased employee, which such sum shall be used for such funeral and burial expenses and paid out on order of the head of the department of which such employee was a member.

SECTION 14.

In all matters involving the disability or sickness of an employee of said City, the City Council, or other governing body shall have such disabled member, or such sick member, as it sees fit, examined by a reputable physician of the City, who shall make his report in writing to the City and to the employee. Any employee who refuses to allow a reasonable examination by such physician on the authority referred to herein shall, during the continuance of such refusal be barred from receiving any benefits whatever under this Act.

SECTION 15.

The benefits provided for the employees of the City of Prichard hereunder shall not be reduced or prorated among those properly entitled to receive from said funds and should, at any time, the fund be insufficient to pay in full the benefits and to defray the expenses provided for, it shall be the duty of the

governing body of the City of Prichard to make provision therefor in accordance with the provisions of this act.

SECTION 16.

There shall be kept by the Clerk of the City of Prichard, or some person designated by her, a book to be known as the "List of Retired Employees". Such Book shall also give a full and complete history and record of the action of the City Council in retiring any and all persons under this Act showing the names, date of entering service in such department, periods of employment, date of retirement and the reason for such retirement, if any.

SECTION 17.

That it shall be the duty of the City Attorney to give advice to the City Council in all matters pertaining to the administration of this Act and the management of such fund, whenever requested to do so, and he shall represent and defend the City in all matters arising from the administration hereof.

SECTION 18.

The City Council of the City of Prichard, may in its discretion, create a Board to carry out the provisions of this Act, such Board shall be known as the "Board of Pensions" and shall consist of not less than three (3) nor more than five (5) reputable bonafide residents of the City of Prichard, who shall serve terms to be designated by the City Council, and will be subject to removal by the City Council at any time. Whenever such Board shall be created it shall have the same ministerial power as herein conferred on the City Council, and all reference in this Act made to the City Council shall, so far as is practicable, be also applicable to the Board of Pensions, Provided, however, that any suit brought on behalf of the City under the provisions of this Act shall be brought in the name of such Board.

SECTION 19.

Any employee of the City of Prichard may elect at any time not to come within the provision of this Act, and should he so elect not to come within the provisions hereof, no part of his or her salary or compensation shall be deducted for the pension and relief fund. His election to not come within the provisions of this Act must be in writing, signed by him, witnessed by two (2) witnesses and filed with the City Council, or the Board of Pensions if one be in existence. Thereafter such person shall not be allowed to come within the provisions of or be entitled to benefits under this Act, unless he first make application to said authorities and said authorities approve such application. In

any event he or she shall not be credited for services during the time which he or she elected not to come within the provisions hereof; provided that all persons employed after the passage of this Act shall be bound by the provisions hereof.

SECTION 20.

This Act shall apply to all persons except elected officials who are now or who may hereafter be in the employment of the City of Prichard, but payment of benefits or any other sums, including refunds, hereunder shall not commence until the first day of January, 1961.

SECTION 21.

That if any section, paragraph, sentences, clause, word or other provision of this act shall be held or declared to be unconstitutional or void it shall not affect or destroy the validity or constitutionality of any other section, paragraph, sentence, clause, word or provision of this Act which is not of itself void or unconstitutional, it being the expressed intent of the Legislature that such remaining valid portions of this Act shall have been adopted in any event.

SECTION 22.

Whenever any person who contributes to the fund provided by this Act shall have contributed to such fund for at least five (5) full years and less than ten (10) years, or shall be dismissed for cause after ten (10) years, he or she, upon being voluntarily or otherwise separated from the service of the City under circumstances not entitling him or her to benefits, shall be entitled to repayment from the fund of fifty percent (50%) of all amounts contributed by him or her, but without interest.

SECTION 23.

This Act shall take effect immediately upon its passage and approval by the Governor; provided, that this Act shall never be construed nor enforced so as to authorize any municipal authorities to grant any extra compensation, fee or allowance to any public officer, servant, employee or agent, after service shall have been rendered nor shall it ever be construed or enforced so as to authorize the retirement of any officer on pay or part pay or make any grant to any retiring officer, but such Act shall be construed to the effect that all funds or monies paid out or expended under and by virtue of This Act shall be paid for services to be performed or duties to be discharged in the future by persons or officers to whom such payments are made. A governing body of the City of Prichard may, however, assign duties and impose services to be performed by the person or officer for

whose benefits this Act is intended and may make appropriations and payment to such persons or officers in consideration for the performance of such services or the discharge of such duties so imposed upon them."

Approved: February 14, 1956.

Time: 10:50 A. M.

Act. No. 108

H. 152—Gilchrist, Brewer, Callahan, Ashworth, Boyd, Lee (Barbour), McKay, Gist, Thomas, Hunt, Goodwyn, Vacca, Molette, Steagall, Brown (Lee), Perry, Edwards (Jefferson), Lackey.

AN ACT

To amend further Section 34 of Title 11, Code of Alabama (1940), which relates to the fees and allowances of sheriffs.

Be It Enacted by the Legislature of Alabama:

Section 34 of Title 11, Code of Alabama (1940), as amended, is amended further to read as follows:

"Sheriffs are entitled to receive the following fees for the following services:

"Services rendered in the incorporation of towns under the provisions of this Code, to be paid by the corporation \$ 5.00

"Serving and returning an application to perpetuate testimony, to be paid by the applicant 1.00

"Services in proceedings to incorporate railroads under the laws of this state; such fees as are usually allowed in civil proceedings.

"Services in cases of arbitration under the provisions of this Code, the customary fees for executing subpoenas, which must be paid jointly by the parties unless the arbitrators otherwise determine.

"Services in relation to persons of unsound mind, the same fees as are allowed for similar services in other cases, to be paid out of the county treasury, if such persons have no estate.

"Levying attachment 6.00

"Entering and returning the same25

"Summoning garnishee and making return	1.50
"Selling property attached, the same as for selling under execution.	
"Serving summons and other mesne process, except subpoenas for witnesses, and returning the same, one dollar fifty cents, plus ten cents per mile for each mile traveled in serving same.	
"Summoning each witness and returning subpoenas.....	.75
"Impaneling a jury, in each case where a jury is sworn75
"Executing a writ of possession	5.00
"Making a deed to real estate sold	2.50
"Serving summons and making return in cases of forcible entry and detainer and unlawful detainer	1.50
"Executing writ of restitution in such cases	5.00
"Other services in such cases, the same fees as in circuit court.	
"Collecting execution for cost only	1.50
"Summoning a jury for any inquisition in the county, or under a writ of ad quod damnum, or dower, and attending on such jury, and taking inquest, per day, when no other provision is made by law	5.00
"Serving subpoenas on bills in chancery proceedings, and returning the same, for each defendant	1.50
"Serving scire facias, or notice in the nature thereof, and returning the same	1.50
"But no fee shall be charged by him for serving a scire facias on a defendant, juror or witness, when the same has been excused by the court without terms.	
"Serving any summons not herein provided for, and making return	1.50
"Serving attachment for contempt of court, or rule to show cause	1.50
"Taking and approving bonds of every kind	2.00
"Collecting money under execution: For the first two hundred dollars, five percent; for collecting all sums over two hundred dollars, up to and including five hundred dollars, four percent; and for collecting all sums in excess of five hundred	

dollars, three percent; but no commission shall be collected on costs.

"Levying execution when sale is stayed after levy by a restraining order, one-half of the commission for selling under execution, to be paid by the party obtaining the order, to be taxed for his benefit, if successful, against the adverse party on the termination of the suit.

"When an attachment is by him levied on personal property, which is replevid, or the cause is settled without suit, he is entitled to one-half of the commissions upon the amount of the demand sued for, allowing him for making money on execution, to be paid by the party paying such demand, or replevying such property; and, if such demand is afterwards collected upon execution, or other final process he must receive only one-half of the commissions; and if the plaintiff fails to obtain judgment, the amount so paid on the replevy of the property must be taxed as costs against him, and collected for the benefit of the defendant.

"Attendance upon the probate court when a jury is in attendance, or upon the circuit court when a jury is in attendance, each day, to be paid out of the county treasury\$ 6.00

"And the clerk after adjournment of each session of such court shall certify to the court of county commissioners the number of days the sheriff so attended and the amount of his compensation therefor shall be drawn in favor of the sheriff on the county treasury.

"Discharging his duties in relation to the public roads, he is entitled to receive annually, on showing to the court of county commissioners that he has discharged his duties, to be paid out of the county treasury, not exceeding..... 90.00

"Services under the provisions of this Code for the erection of dams and public mills: For the service of each writ, application or notice, and return thereon, fifty cents; for summoning a jury and attending and charging the same, and returning their inquest, five dollars, to be paid by the applicant before any other proceedings are had; for serving subpoenas and other services, the same fees as in other cases, to be paid by the unsuccessful party, for which execution may issue.

"Seizing personal property under writ of detinue 6.00

"Taking care of such property, such just compensation as the court may fix.

"Impaneling grand juries, advertising and attending all elections, in his county, and for all other public services not otherwise provided for, such sums as may be just, to be allowed by the county commissioners court, upon presentation of a verified account showing the items of service rendered, to be paid out of the county treasury, not exceeding six hundred dollars per annum.

"For serving notice upon elector to show cause why his name should not be stricken from registration list65

"When the sheriff is required by law to serve any process or paper by delivery to a person, he shall receive ten cents per mile for each mile traveled in serving same.

"In all counties in this state where the sheriff is on a salary or whose compensation is paid out of the county treasury he shall collect such fees and shall remit the same to the treasury of said county."

Approved: February 14, 1956.
Time: 10:51 A. M.

Act No. 109

H. 181—Meeks, Nice, Perry, Vacca,
Edwards (Jefferson), Lackey, Kaul

AN ACT

TO AMEND SECTION 19 OF ACT NO. 248 OF THE LEGISLATURE OF ALABAMA OF 1945, APPROVED JULY 6, 1945 (GENERAL ACTS 1945, PAGES 376-400).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 19 of Act No. 248 of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of 1945, pages 376-400) be and the same hereby is amended so as to read as follows:

Section 19. Leaves of Absence: All permanent employees holding regular full-time positions under the jurisdiction of this Act shall be allowed a vacation with pay at the rate of one work day per month of service; provided, however, that any permanent employee who shall have had now or hereafter fifteen years of full time employment shall be allowed vacation at the rate of one and one-half ($1\frac{1}{2}$) work days for each month of service after December 31, 1955. Such vacation allowance shall be cumulative to not to exceed twenty-six (26) work days. For the purpose of computing vacation allowances, each period of seven days, excluding holidays, shall be considered as containing not

less than six (6) work days, irrespective of the number of days the employee would normally be on duty. The time for such vacation shall be determined by the appointing authority except that the employee, if a vacation has not been allowed him during the calendar year, may demand that he be given a vacation not exceeding twelve work days. Employees who resign in good standing or who are separated from the service without fault or delinquency on their part shall be allowed credit for vacation earned. Any employee who is dismissed for cause shall forfeit all vacation allowances. The rules and regulations shall contain provisions for granting permanent employees sick leave with pay and for leave without pay.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 14, 1956.

Time: 10:52 A. M.

Act No. 110

H. 182—Vacca, Lackey, Edwards (Jefferson), Kaul, Perry, Meeks

AN ACT

To levy a license tax on the privilege of issuing or using trading stamps in counties with a population of four hundred thousand or more according to the last or any succeeding federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Every person who in connection with the sale by him of goods, wares, or merchandise of any kind, issues, sells, gives away or otherwise distributes trading stamps which are redeemable, or will be accepted in whole or partial payment or exchange for anything of value, either by the issuer or by any other person, shall, in addition to all other taxes, pay to the county, on each separate place of business, in which any part or phase of such issuance, sale, gift or other distribution of such trading stamps, occurs, an annual license tax as follows: If such person's gross volume of business in such separate place of business for the last preceding calendar year was less than \$125,000.00, the sum of \$250.00; if \$125,000.00 or more but less than \$250,000.00, the sum of \$500.00; if \$250,000.00 or more, but less than \$500,000.00, the sum of \$1,000.00; if \$500,000.00 or more, but less than \$1,000,000.00 the sum of \$2,000.00; if \$1,000,000.00 or more but less than \$1,500,000.00, the sum of \$3,000.00 and if \$1,500,000.00 or more, the sum of \$3,500.00. The tax in this sub-section (a) levied shall not apply to persons

issuing coupons or certificates furnished by a manufacturer or compounder as a part of an original package or item of merchandise and distributed in connection with that one commodity only, nor to persons issuing coupons or certificates exclusively on one private brand product only.

(b) Every person who engages in or carries on the business of issuing, lending, licensing or selling to merchants or vendors, trading stamps which are redeemable or will be accepted in whole or partial payment, or in exchange, for anything of value by anyone whomsoever, shall pay to the County in which such issuing, lending, licensing or selling occurs, in addition to all other taxes, an annual license tax of three percentum of the gross receipts of such business and such license tax shall in no event be less than \$2,500.00. The said tax shall be paid in the following manner: The person desiring to engage in such business shall pay on or before the fifteenth day of the County's fiscal year to its Department of Revenue, the sum of \$2,500.00 and shall also at the same time execute a bond payable to the County in such sum and form as is acceptable to the Department of Revenue, which shall insure the payment of said three percentum tax; such person shall thereafter and before the fifteenth day of the County's next fiscal year render to the County a sworn statement showing the gross amount received by such person for issuing, lending, licensing, selling, redeeming or exchanging trading stamps, and if it appears that such three percentum of the amount so received exceeds \$2,500.00, then such person shall pay to such County an additional amount equivalent to the amount by which such three percentum exceeds the sum of \$2,500.00. The tax in this subsection (b) levied shall be credited with and reduced by any sum which such person may have paid to or for the use of such County under Section 606 of Title 51, Code of Alabama, as last amended.

Section 2. This Act shall be applicable only in counties with a population of 400,000 or more according to the last or any succeeding federal census and the collection of the tax here levied shall be governed by the methods and procedures and persons charged by law with collecting license taxes in such counties. The word "person" or any pronoun referring thereto used in this Act shall be deemed to include partnerships and corporations. The words "trading stamps" shall be deemed to include any certificates or coupons of like character or substitute therefor.

Section 3. The provisions of this Act are severable, and if any provision or subdivision be held invalid or inapplicable to any person, firm or corporation or to any particular kind of

business such decision shall not affect the validity or enforceability of the remainder.

Section 4. All laws or parts of laws in conflict herewith are repealed.

Section 5. The Act shall become effective sixty (60) days after its passage and approval by the Governor, or upon its otherwise becoming law.

Approved: February 14, 1956.

Time: 10:53 A. M.

Act No. 111

H. 42—Adams, Kaul, Vacca, McKay,
Franklin, Grouby, Hodges,
Jenkins

AN ACT

To amend further Section 440 of Title 37 of the Code of 1940 relating to municipal operations.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 440 of Title 37, Code of 1940 be and the same is hereby further amended to read as follows:

“Section 440. (1894) (1178) Salary limited; location of office prescribed. The mayor shall have the powers and perform the duties as follows: He shall keep an office in the city or town and shall receive such salary as the council may prescribe which must be fixed by the council not less than six months prior to each general municipal election, not exceeding the following amounts: (1) In cities having twenty-five thousand population or more, not exceeding eight thousand five hundred dollars, and not less than six thousand dollars; (2) in cities having ten thousand and up to twenty-five thousand population, not exceeding seven thousand dollars and not less than five thousand dollars a year; (3) in cities having five thousand and up to ten thousand population, not exceeding five thousand dollars, and not less than two thousand five hundred dollars a year; (4) in cities having less than five thousand population, not exceeding three thousand dollars, and not less than one thousand five hundred dollars a year; (5) in towns not exceeding one thousand five hundred dollars and not less than fifty dollars a year. Provided, further, that in municipalities which own and operate light and power systems, municipal water systems, municipal sewage systems and municipal gas systems, one or any of them, may, by resolution of the governing body duly entered in its minutes require the mayor to act as superintendent of such system or systems and to give so much of his time thereof as the

governing body may direct. Provided, further, that in any municipality in which a municipal board or municipal public corporation owns and operates a municipal light and power system, municipal water system, municipal sewage system and municipal gas system, one or any of them, such board or municipal public corporation may by resolution duly entered in its minutes employ the mayor to act as superintendent of such system or systems and to give so much of his time thereto as such board or corporation may direct. The mayor as such superintendent of such system or systems shall serve as purchasing agent and make all purchases authorized by the governing body, board or municipal public corporation therefor, for which he shall keep a check on meter readings and bids for service of the system and see that the collections thereof are made. He shall see that the system or systems are kept in proper repair and operation, he shall keep an inventory showing the supplies and equipment on hand for such system or systems, he shall keep a full and complete monthly financial statement of all operation costs and receipts and keep a proper inventory of the fiscal assets of such system or systems and shall handle all such data and information relative to such system or systems available for the governing body, board or municipal public corporation at such times as it shall require but not less frequently than once every three months. For his service as superintendent of such system or systems the mayor shall be paid in addition to the salary now or hereafter provided hereunder such sum as the governing body, board or municipal public corporation shall deem reasonable, but not to exceed two hundred dollars per month, except in cases where the board or municipal corporation requires the full-time services of the mayor as superintendent of such system or systems, in which event he may be paid not exceeding four hundred dollars per month for such service. The governing body, board or municipal corporation may at any time it deems best dispense with the mayor's service as superintendent. The provisions hereof shall be curative and retroactive and any employment of any mayor as superintendent of any such utility or utilities, heretofore made by any such governing body, board or municipal public corporation and any salary heretofore paid to any mayor by any such governing body, board or municipal corporation for his services as superintendent of such system or systems is hereby validated."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 14, 1956.
Time: 10:54 A. M.

Act No. 112.

H. 43—Adams, Kaul, Vacca, McKay,
Franklin, Hodges, Grouby,
Jenkins

AN ACT

To amend further Section 404 of Title 37 of the Code of 1940 relating to the election of mayor and aldermen; legislative functions:

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 404 of Title 37, Code of 1940 be and the same is hereby amended to read as follows: "Section 404. (1760) (1068) Election of mayor and aldermen; legislative functions. — In all cities and towns at the general election to be held on the third Monday in September, 1940, and quadrennially thereafter, there shall be elected a mayor, who, in cities having a population of six thousand or more, according to the last or any subsequent federal census, shall not sit with the council, nor have a vote in its proceedings, and he shall have the power and duties herein conferred. In all cities and towns having a population of less than six thousand inhabitants according to the last or any subsequent federal census, the legislative functions shall be exercised by the mayor and five aldermen. The mayor shall preside over all deliberations of the council. At his discretion he may vote as a member of the council on any question coming to a vote, except in case of a tie, in which event he must vote. The aldermen in such municipalities shall be elected by the city or town at large, at the first general election held on the third Monday in September, 1940, and quadrennially thereafter or from wards as the said councils may determine, not less than six months before an election, and shall receive such salary as the council may prescribe, which must be fixed by the council not less than six months prior to each general municipal election."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 14, 1956.

Time: 10:55 A. M.

Act No. 113.

H. 88—Ashworth, deGraffenried, Callahan,
Speaks, Merrill, Albea,
Hawkins

AN ACT

To authorize suits at law by a personal representative of a decedent for the recovery of damages for injuries to the decedent's property resulting from the same tort which caused decedent's death.

Be It Enacted by the Legislature of Alabama:

Section 1. The personal representative of a deceased person may maintain an action in a court of competent jurisdiction within the State of Alabama, and not elsewhere, and recover such damages as the jury may assess, for injuries or damages to the property of the decedent resulting from the same wrongful act, omission or negligence which caused the death of the decedent, provided the decedent could have maintained such action if the wrongful act, omission or negligence causing the property damage had not also caused his death. Such action may be maintained, though there has not been prosecution or conviction, or acquittal of the defendant for the wrongful act, omission or negligence; and shall not abate by the death of the defendant, but may be revived against his personal representative. The damages recovered are not subject to the payment of the debts or liabilities of the decedent, but must be distributed according to the statute of distributions. Such action must be brought within one year from and after the death of the decedent.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 14, 1956.

Time: 10:58 A. M.

Act No. 114

S. J. R. 33—Flowers, Metcalf and Reeves
Reeves

SENATE JOINT RESOLUTION

WHEREAS the tentative map of the Interstate Highway System indicates that the route generally traversed by U. S. 231 from Montgomery via Troy, Ozark, and Dothan to U. S. 90 in the State of Florida was not included in the interstate system; and

WHEREAS the Highway Department of the State of Alabama has made several traffic surveys and have established conclusively that U. S. 231 South of Montgomery accommodates more traffic than the route designated between Montgomery and Mobile and several other of the routes shown in the interstate system in Alabama; and

WHEREAS the State Highway Department further advises that the route from Chicago and the West to South Florida

points is via U. S. 231 through the State of Alabama as a general rule, and many thousands of vehicles are at the present time utilizing this route; and

WHEREAS it is understood that the interstate system through the State of Georgia provides for a North-South route from Chicago and the West direct into the southern part of Florida, and as a result, many thousands of vehicles will be diverted from traveling through the State of Alabama; and

WHEREAS U. S. 231 should be on the interstate system in view of the fact that it would include on this route Fort Rucker, and in addition would give a shorter and more convenient route to Eglin Field, Tyndall Field, and the aviation training facilities at Marianna, Florida; now therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Congress of the United States is hereby memorialized and petitioned to enact legislation making U. S. Highway 231 South of Montgomery, Alabama, a part of the Interstate Highway System.

RESOLVED further, That the Secretary be instructed to send a copy of this resolution to the Speaker and to the Clerk of the House of Representatives of the United States, to each member of Alabama's delegation in the Congress, and to each of the United States Senators from Alabama.

Approved: February 14, 1956.

Time: 11:00 A. M.

Act No. 115

S. 87—Newton

AN ACT

Relating to counties having a population of not less than 63,750 people, nor more than 68,000 people, according to the last Federal decennial census or any subsequent Federal decennial census; providing for the nomination and election and terms of office of the members and chairman of the County Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Education of all counties which have a population of not less than 63,750 nor more than 68,000 shall consist of four (4) members and a chairman. The chairman of said Board may be a resident of any District or Beat in the county, but the four members of said Board shall be elected from, be a qualified elector of, and shall reside in, each of the four districts from which members of the county governing body are elected. The chairman of said Board shall be nominated by the voters of the whole county and shall be elected

by the voters of the whole county. There must be one member of said Board who is a resident of District One and he shall be nominated and elected by the voters of the whole county; there must be one member of said Board who is a resident of District Two and he shall be nominated and elected by the voters of the whole county; there must be one member of said Board who is a resident of District Three and he shall be nominated and elected by the voters of the whole county; there must be one member of said Board who is a resident of District Four and he shall be nominated and elected by the voters of the whole county. At the General Election to be held in 1958 there shall be elected two (2) members of the Board, one from District No. One and one from District No. Three, and every six (6) years thereafter there shall be a member elected from each of such Districts. At the General Election to be held in 1956 there shall be elected two (2) members of the Board, one from District Two and one from District Four, and every six (6) years thereafter there shall be a member elected from each of such Districts. The chairman of said Board who was elected in 1954 shall serve until the General Election to be held in 1960 and until his successor shall have been elected and qualified. The members of the Board and the chairman of the Board shall hold office for a period of six (6) years from the time they shall have been elected, and they may take office as soon after their election as they shall qualify, and may hold office until their successors shall have been elected and qualified.

Section 2. The Superintendent and board members shall be subject to all the general laws and the Constitution of the State of Alabama governing county boards of education not in conflict herewith.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved: February 14, 1956.

Time: 11:02 A. M.

Act No. 116.

H.J.R. 38—Vacca

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that Senate Bill 46, which has passed both Houses, be known as the Newton-Vacca Bill.

Approved: February 14, 1956.
Time: 11:04 A. M.

Act No. 117

H. J. R. 39—Brewer and Gilchrist

HOUSE JOINT RESOLUTION

WHEREAS, the Honorable E. G. Hamilton of Decatur recently departed this life, and

WHEREAS, the Honorable E. G. Hamilton served with honor and distinction in this House during the administration of Governor Dixon, and

WHEREAS, the said Mr. Hamilton was a distinguished, honorable and forthright public servant dedicated to the highest ideals and principles,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring, the Legislature of Alabama does mourn the death of our departed friend and does extend to his family our deepest sympathies in their time of sorrow.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the Clerk of the House to the widow and members of the family and that a copy be entered upon the Journal of the House.

Approved: February 14, 1956.
Time: 11:05 A. M.

Act No. 118.

S. J. R. 35—Engelhardt, Givhan, James, Shelton, Yarbrough (Autauga), Boutwell, Jones, Davis (Lowndes), Cooper, Coleman, Davis (Pickens), Smith, Eddins, Robison, Reeves, Grisham, Tate, Calvin, Vann and Bradford

SENATE JOINT RESOLUTION

WHEREAS the recent decree of a federal court ordering the admission of a Negro to the University of Alabama, contrary to the traditions and customs of the State of Alabama, has resulted in riot, tumult, disorder, and other demonstrations against the presence of a Negro student at the University, and

WHEREAS conditions at the University have reached such a dangerous stage that the board of trustees of the institution

have been forced to bar the Negro student from further attendance at classes in order to restore public peace and provide for the safety of persons on the campus of the University of Alabama, as well as the Negro student involved; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. The board of trustees of the University of Alabama, both individually and collectively, are hereby commended for their action in moving to restore peace and order to the University campus by barring the Negro student, whose presence precipitated the rioting at the University, from further attendance at classes held at that institution.

2. The Secretary of the Senate is directed to send a copy of this resolution to Dr. O. C. Carmichael, president of the University of Alabama, for transmission to the board of trustees of the University.

Approved: February 14, 1956.
Time: 11:08 A. M.

Act No. 119

S. 46—Newton

AN ACT

To amend Section 15 of Act No. 703, approved September 5, 1951, p. 1211, which relates to payments after death for public assistance recipients.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 15 of Act No. 703, approved September 5, 1951, p. 1211, is amended to read as follows:

“Section 15. PAYMENTS AFTER DEATH.—When a recipient dies before delivery or negotiation of his assistance check for the month in which his death occurs, endorsement of such check without recourse by the county director of pensions and security to the spouse or to a person, either relative or non-relative, named by the recipient shall be sufficient authority to the drawee bank to pay such check.”

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved: February 14, 1956.
Time: 11:09 A. M.

Act No. 120

S. 50—Robison

AN ACT

Relating to the execution of warrants drawn upon the state treasury by the state comptroller.

Be It Enacted by the Legislature of Alabama:

Section 1. Every warrant authorized to be drawn upon the state treasury by the state comptroller shall be deemed to have been duly executed if it is signed by the comptroller himself or if it bears a facsimile of the comptroller's signature placed thereon by the comptroller or a duly authorized employee of the division of control and accounts in the department of finance, with the intent to execute such warrant.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 14, 1956.

Time: 11:10 A. M.

Act No. 121.

S. J. R. 36—Flowers

SENATE JOINT RESOLUTION

RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That Senate Bill No. 56 be known and designated as the Roberts, Flowers, Lamberth, Allen, Yarbrough (Randolph), Van Antwerp, Newton, Leonard, Dyar, Goodwin, Grisham, Cantrell, Yarbrough (Autauga), Hawkins, Stembridge, Mathews, Ferrell, Davis, Pirkle, Branyon, Shumate, Selman, Dement, Oden, Gregory, Reynolds, Edwards (Escambia), Love, Lee (Lawrence), Mathison, Fite, Gist, Kelly, Burkhalter, Pirkle, Cox and Brassell Bill.

Approved: February 14, 1956.

Time: 11:12 A. M.

Act No. 122

S. 94—Cooper

AN ACT

To provide for the designation and appointment by the Court of County Commissioners of one or more banks as depository for the county funds of Wilcox County, to prescribe the time and method of selection of said depository or depositories, to provide for security of said county funds to be given by said bank or banks.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Court of County Commissioners of Wilcox County shall place the funds of said County in such National or State Bank or Banks in the County of Wilcox as may be selected by the Court of County Commissioners at the regular meeting of said court in December of each year, and such Court of County Commissioners shall notify each and every National Bank and State Bank in the County of Wilcox on or before the regular meeting of said court in November of each year that the Court of County Commissioners will receive from each and every National Bank and State Bank in the County of Wilcox, sealed bids for the county funds to be opened and passed upon at the regular meeting of said Court of County Commissioners in December following: and the said bank or banks of said county shall be selected by the Court of County Commissioners as depository or depositories of the funds of said county for the period of the following calendar year, as may offer the highest rate of interest to said county on the daily balance of the county's bank deposit; provided, that in the event no interest is offered by any bank or the rate of interest offered by two or more is equal, then, in that event, the Court of County Commissioners may authorize any part of said county funds to be deposited with any one or more banks as said Court deems best, and that the Court of County Commissioners shall require an adequate bond or security of said bank or banks to secure the safety of said deposit, and all monies or funds belonging to said county, or in which the county is interested, shall be deposited in said bank or banks.

Section 2. That this Act shall take effect immediately upon its passage and approval by the Governor or otherwise becoming law, and that the Court of County Commissioners may give notice to all National Banks and State Banks in the County of Wilcox that at the next regular meeting of said Court of County Commissioners the Court will receive sealed bids for the County funds for the balance of the year, 1956; that the sealed bids shall be opened and passed upon at that regular meeting and that the same provisions and conditions set out in Section 1 of this Act as to the yearly depository or depositories shall apply.

Section 3. That any and all laws or parts of laws in conflict with the provisions of this Act shall be and the same is hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved February 14, 1956.
Time: 11:13 A. M.

Act No. 123

S. 95—Moses

AN ACT

To repeal Act Number 501, approved September 9, 1955, Acts of 1955 (MS) entitled "To provide for and require the reidentification of each qualified elector in DeKalb County, Alabama, and to require the Board of Registrars in DeKalb County to take the necessary action to purge the lists of the qualified electors in DeKalb County and to authorize the employment of investigators to assist in purging such lists; and to provide that any person making a willfully false statement in connection with reidentification shall be guilty of perjury; to provide for transfer of certain duties pertaining to preparation of ballots list of voters, supervision and control of voters' lists and expenses of same from the office of the Judge of Probate to the Board of Registrars; to provide for the appointment of a secretary for the Board of Registrars, and to fix his compensation, method of appointment and to provide for other employees of the Board of Registrars; to fix the duties of the secretary of the Board of Registrars, and to provide for the payment of the compensation of the secretary of the Board of Registrars and other employees of the Board from the general fund of DeKalb County, Alabama."

Be It Enacted by the Legislature of Alabama:

SECTION 1. Act Number 501, approved September 9, 1955, Acts of 1955, entitled "To provide for and require the reidentification of each qualified elector in DeKalb County, Alabama, and to require the Board of Registrars in DeKalb County to take the necessary action to purge the lists of the qualified electors in DeKalb County and to authorize the employment of investigators to assist in purging such lists; and to provide that any person making a willfully false statement in connection with reidentification shall be guilty of perjury; to provide for transfer of certain duties pertaining to preparation of ballots, list of voters, supervision and control of voters' lists and expenses of same from the office of the Judge of Probate to the Board of Registrars; to provide for the appointment of a secretary for the Board of Registrars, and to fix his compensation, method of appointment and to provide for other employees of the Board of Registrars; to fix the duties of the secretary of the Board of Registrars, and to provide for the payment of the compensation of the secretary of the Board of Registrars and other employees of the Board from the general fund of DeKalb County, Alabama," be and same is hereby repealed.

SECTION 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 14, 1956.

Time: 11:15 A. M.

Act No. 124

H. J. R. 40—Ward

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. That the bill, H. B. 144, which has passed both houses, is hereby recalled from the Secretary of State for further consideration, and for the purpose of amending Section 2 of said bill so as to order an election to be held upon the proposed amendment on Tuesday, August 28, 1956, instead of on the first Tuesday following the expiration of three months from final adjournment of this session of the Legislature.

2. That the Secretary of State is respectfully requested to return to the House, the body in which said bill originated, the enrolled bill.

3. That when the bill is returned, the Speaker of the House and the President of the Senate shall erase their signatures from the enrolled bill; that after said amendment is made, the bill shall be again read at length in each house and a vote shall be taken thereon; that if said bill be passed as thus amended, the bill shall be again enrolled and signed by the Speaker of the House and the President of the Senate, and be deposited in the office of the Secretary of State, to bear the same Act number as has been assigned to said bill.

Approved: February 14, 1956.

Time: 12:30 P. M.

Act No. 125

H. 72—Kendall

AN ACT

To propose an amendment to the Constitution of Alabama authorizing the State of Alabama to assist in the erection, construction and equipping of hospitals, health centers, tuberculosis hospitals or sanatoria, and related medical facilities within the State; and to that end to authorize the Governor of Alabama to issue and sell negotiable interest-bearing bonds in the amount not to exceed \$2,000,000 in addition to the bonds heretofore authorized; and to provide for the prompt and faithful payment of the principal and interest on such bonds and for the retirement thereof; and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the same day as the general election in November 1956.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitu-

tion when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Amendment

“(a) Notwithstanding anything contained in the Constitution of the State of Alabama, or any amendment thereto heretofore adopted, the Governor shall from time to time issue negotiable interest bearing bonds for the purposes and in the manner and subject to the limitation stated in this amendment. The bonds shall be general obligations of the State of Alabama and the full faith and credit and taxing power of the State are hereby pledged to the punctual payment of the bonds and the interest thereon. The aggregate principal amount of all bonds issued hereunder shall not exceed two million dollars (\$2,000,000) and they shall mature within ten years from the date of issuance.

“The proceeds from the sale of such bonds are hereby appropriated and shall be used solely for the construction and equipping of hospitals, health centers, tuberculosis hospitals or sanatoria, and related medical facilities pursuant to Act No. 211, General Acts of Alabama 1945, page 330, and approved July 7, 1945; and Act 287, General Acts of Alabama 1945, 474, approved July 7, 1945; and Act No. 46, General and Local Acts 1949, page 68, approved June 2, 1949; as said acts are now or may hereafter be amended; and such facilities established and operated by the corporate authorities of a city or town, or a county governing body under the provision of Title 22, Section 189, Code of Alabama 1940, as same is now or may hereafter be amended; or any act supplemental thereto or amendatory thereof. The funds provided hereby shall be used only for construction and equipping facilities under contracts which have been or are let on or after July 1, 1955; shall be used to match Federal funds available for hospital health center, and related medical facilities provided under Public Law 725, 79th Congress and Public Law 482, 83rd Congress, as said Public Laws are now or may hereafter be amended; and that the local governments in the area where each hospital, health center, tuberculosis hospitals or sanatoria, or related medical facility is to be constructed or equipped shall contribute at least as much money for the construction and equipping as does the State; and provided further that the State shall not contribute more than two hundred and fifty thousand dollars (\$250,000) to the construction and equipping of any tuberculosis hospital or sanatoria and one hundred thousand dollars (\$100,000) for any other facility included within the scope of this amendment.

"In determining where a hospital, health center, tuberculosis hospitals or sanatoria, or related medical facility to be constructed with funds appropriated herein shall be located, consideration shall be given to the communities on the basis of relative need. Each county having no hospital, health center, tuberculosis hospitals or sanatoria, or related medical facility shall have first priority. Counties receiving prior allotments hereunder shall not be precluded from receiving an additional allotment for other facilities at the discretion of the State Board of Health. A sum not to exceed forty thousand dollars (\$40,000) may be used by the State Board of Health from the proceeds of the sale of said bonds for administering the provision of this amendment.

"(b) All bonds issued hereunder and the interest thereon shall be payable from any funds in the State treasury not otherwise appropriated. The bonds shall be payable in substantially equal installments of principal and interest beginning in the next fiscal year after their date; they shall bear interest at a rate not to exceed $2\frac{1}{2}\%$ and they shall contain a provision for their call for payment at such a time or times prior to maturity, and at such a premium, if any, as the governor may prescribe in the notice of sale. All bonds issued hereunder shall be sold to the best bidder at a duly advertised public sale, on sealed bids or at auction, and shall not be sold for less than par and accrued interest; provided, bidders may be invited to name the rate or rates of interest, which the bonds are to bear. The right to reject any or all bids shall be reserved."

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House February 3, 1956.

Passed the Senate February 14, 1956.

Act No. 126.

H. 194—Brannan

AN ACT

To provide for reimbursement of circuit solicitors for expenses incurred in the performance of certain duties in the county court.

Be It Enacted by the Legislature of Alabama:

Section 1. When there is no deputy or county solicitor in the county and the circuit solicitor is required by law to perform the duties of the deputy or county solicitor in the county court, the circuit solicitor shall be entitled to the sum of one hundred dollars per month as reimbursement for expenses incurred in prosecuting cases brought in the county court. Such expenses of the solicitor shall be paid by the county treasurer or custodian of county funds at the end of each month from the solicitor's fund, which fund shall be composed of solicitor's fees heretofore or hereafter collected in cases brought in the county court.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Feb. 21, 1956.

Time: 4:40 P. M.

 Act No. 127

S. 68—Cooper

AN ACT

To amend Sections 1, 2, 5, 9, 10, 16, 19 and 21 of Act No. 493, adopted at the 1955 Regular Session of the Legislature of Alabama and relating to municipal public building authorities, so as to authorize municipal public building authorities to acquire and construct one or more buildings for use by counties, public corporations, city and county boards of education, and the United States and any of its agencies, as well as for use by municipalities, and to lease such building or buildings or parts thereof to counties, public corporations, boards of education, or the United States or any of its agencies or instrumentalities, as well as to municipalities; so as to authorize counties, public corporations, and city and county boards of education to rent such building or buildings or any part thereof; so as to provide that reasonable rentals specified in any such lease to a county, public corporation, or board of education, as well as to a municipality, shall constitute a necessary operating expense of the lessee; so as to provide that, when space in any building of the authority shall be vacant, a county as well as a municipality that has entered into a lease of all or part of such building shall not lease space similar to such vacant space in or about the municipality in which such building is located; so as to provide that the formation, rather than the formation and dissolution, of one or more corporations under the provisions of said

act shall not prevent the formation of other such corporations pursuant to authorization by the same municipality; so as to clarify the provisions of said act; and so as to make revisions in the definitions in said act to accomplish said purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 493 adopted at the 1955 Regular Session of the Legislature of Alabama is hereby amended to read as follows:

"Section 1. DEFINITIONS. The following words and phrases, including the plural of any thereof, whenever used in this act, shall in the absence of clear implication herein otherwise have the following respective meanings:

"The corporation" means a corporation organized pursuant to the provisions of this act.

"Board" means the board of directors of the corporation.

"The state" means the State of Alabama.

"The municipality" means that incorporated city or town in the state which authorized the organization of the corporation.

"The county" means that county in which the certificate of incorporation of the corporation shall be filed for record.

"Local subdivision" means the municipality or the county.

"Public corporation" means (a) any public corporation (other than a corporation organized under this act) now or hereafter organized or created in the state pursuant to authorization or determination by the municipality, by the municipality and one or more other cities and towns in the state, by the county, by the county and one or more counties in this state, or by the governing body of any thereof, and (b) the board of education of the municipality or of the county.

"United States" means the United States of America or any of its agencies or instrumentalities.

"Governing body" means the Council, Board of Commissioners or other like body in which the legislative functions of the municipality are vested by law.

"Project" means a building or buildings located or to be located in the municipality or in its police jurisdiction and designed for use and occupancy as a courthouse, jail, city or town hall, municipal building, or post office, or for the supplying of office, warehousing, storage or related facilities for officers and

departments of the municipality, the county, any public corporation, any agencies for which the municipality, the county or any public corporation may lawfully furnish office, warehousing, storage or related facilities, and the United States, or any one or more thereof, together with any lands deemed by the board to be desirable in connection therewith.

“Bond” means any bond authorized to be issued pursuant to the provisions of this act, including refunding bonds.

“Coupon” means any interest coupon evidencing an installment of interest payable with respect to a bond.

“Indenture” means a mortgage, an indenture of mortgage, deed of trust, trust agreement or trust indenture executed by the corporation as security for any bonds.”

Section 2. Section 2 of said Act No. 493 is hereby amended to read as follows:

“Section 2. LEGISLATIVE INTENT. It is the intention of the Legislature by the passage of this act to empower each incorporated city and town in the state to authorize the incorporation of one or more public corporations as political subdivisions of the state for the purpose of providing buildings and facilities for lease to and use by the municipality, the county, or any public corporation in the performance of their respective public functions, or for lease to and use by the United States, and to invest each corporation organized hereunder with all powers that may be necessary to enable it to accomplish such purpose, including the power to lease its properties and to issue interest bearing revenue bonds. This act shall be liberally construed in conformity with the said intent.”

Section 3. Section 5 of said Act No. 493 is hereby amended to read as follows:

“Section 5. EXECUTION AND RECORDING OF CERTIFICATE OF INCORPORATION. The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments of deeds and shall have attached thereto a certified copy of the resolution provided for in Section 4 of this act and a certificate by the Secretary of State of the state that the name proposed for the corporation is not identical with that of any other corporation in the state or so nearly similar thereto as to lead to confusion and uncertainty. The certificate of incorporation, together with the documents required by the preceding section to be attached thereto, shall be filed in the office of the Judge of Probate of any county in which any portion of the municipality is located, who shall forthwith receive and

record the same. When such certificate of incorporation and attached documents have been so filed the corporation referred to therein shall come into existence and shall constitute a body corporate and politic and a political subdivision of the state under the name set forth in such certificate of incorporation, whereupon the corporation shall be vested with the rights and powers herein granted."

Section 4. Section 9 of said Act No. 493 is hereby amended to read as follows:

"Section 9. LEASE OF PROJECTS. (a) The corporation and any local subdivision are hereby respectively authorized to enter into with each other one or more lease agreements whereunder a project or any part thereof shall be leased by the corporation to such local subdivision for a term not longer than the then current fiscal year of such local subdivision, but any such lease agreement may contain a grant to such local subdivision of successive options of renewing the said lease agreement on the terms specified therein for any subsequent fiscal year or years of such local subdivision. The said lease agreement may contain appropriate provisions as to the method by which such local subdivision may, at its election, exercise such of the said options of renewal as its governing body may elect on the terms provided therein, and such other covenants and provisions as shall not be inconsistent with this act and as the corporation and such local subdivision may agree. The rental for each fiscal year during which said lease agreement shall be in effect shall **be due in advance** on the first day of the fiscal year, and the said rental for said fiscal year shall be payable, and any such covenant on the part of such local subdivision shall be performed, solely out of the current revenues of such local subdivision for such fiscal year. The state shall not in any manner be liable for the performance of any obligation or agreement contained in said lease agreement. The rental payable and the covenants to be performed by such local subdivision under the provisions of said lease agreement shall never create an indebtedness of such local subdivision within the meaning of Section 224 or Section 225 of the constitution of the state. It is hereby declared that it is an essential governmental function of the municipality to secure and supply reasonable and adequate building, office and storage facilities for its courts, jails, officers, departments and agencies engaged in the performance of municipal duties, and the rentals payable by the municipality for such purpose are and shall constitute necessary governmental operating expenses of the municipality. It is hereby declared that it is an essential governmental function of the county to secure and supply reasonable and adequate building, office and storage facilities for its courts, jails, officers, departments, and agencies

engaged in the performance of governmental duties, and the rentals payable by the county for such purpose are and shall constitute necessary governmental operating expenses of the county. If there be any default in the payment of any rental required to be paid or in the performance of any covenant required to be performed by any such local subdivision under the provisions of any such lease agreement while such lease agreement shall be in effect, the corporation and any pledgee of said lease agreement may, by any appropriate proceedings at law or in equity instituted within the time permitted by law, enforce and compel payment of such rental and performance of such covenant. Should any space available for rent in any project which shall have been leased in whole or in part to a local subdivision become vacant after acquisition or construction of said project by the corporation, then until such time as all such vacant space in the project shall have been filled no local subdivision to which said project or any part thereof shall have been rented, nor any officer, department or agency thereof, shall thereafter enter into any lease or rental agreement or renew any existing lease or rental agreement for other space in or about the municipality suitable for use for the same purposes for which the vacant space is suitable.

“(b) The corporation and any public corporation are hereby respectively authorized to enter into with each other one or more lease agreements whereunder a project or any part thereof shall be leased by the corporation to said public corporation for a term not longer than thirty years. Neither the state, the county, nor any municipality in the county shall in any manner be liable for the performance of any obligation or agreement contained in any lease agreement between the corporation and a public corporation. The rental payable and the covenants to be performed by a public corporation under the provisions of any such lease agreement shall never create a debt of the state, the county or any municipality therein within the meaning of Sections 213, 224, or 225 of the Constitution of the state. It is hereby declared that it is an essential governmental function of a public corporation to secure and supply reasonable and adequate building, office and storage facilities for the performance of its functions, and the rentals payable by the public corporation for such purpose are and shall constitute a necessary operating expense of the public corporation. If there be any default in the payment of any rental required to be paid or in the performance of any covenant required to be performed by any public corporation under the provisions of any such lease agreement while it shall be in effect, the corporation and any pledgee of said lease agreement may, by appropriate proceedings at law or in equity instituted within the time permitted by law, enforce and

compel payment of such rental and performance of such covenant.

“(c) The corporation is hereby authorized to lease a project or any part thereof to the United States for such period of time and on such terms and conditions as may be mutually agreed on by the parties to the agreement under which such lease shall be made.”

Section 5. Section 10 of said Act No. 493 is hereby amended to read as follows:

“Section 10. BONDS OF THE CORPORATION. The corporation is authorized at any time and from time to time to issue its interest bearing revenue bonds for the purpose of acquiring, constructing, improving, enlarging, completing and equipping one or more projects. The principal of and the interest on any such bonds shall be payable solely out of the revenues derived from the project with respect to which such bonds are issued. None of the bonds of the corporation shall ever constitute an obligation or debt of the state, the county or the municipality, or a charge against the credit or taxing powers of the state, the county or the municipality. Bonds of the corporation may be issued at any time and from time to time, may be in such form and denominations, may be of such tenor, may be payable in such installments and at such time or times not exceeding thirty years from their date, may be payable at such place or places whether within or without the state, and may bear interest at such rate or rates payable and evidenced in such manner, all as shall not be inconsistent with the provisions of this act and as may be provided in the proceedings of the board wherein the bonds shall be authorized to be issued. Any bond having a specified maturity more than ten years after its date shall be made subject to redemption at the option of the corporation at the expiration of ten years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the proceedings of the board wherein it is authorized to be issued. Bonds of the corporation may be sold at either public or private sale in such manner and from time to time as may be determined by the board to be most advantageous. The corporation may pay all expenses, premiums and commissions that the board may deem necessary or advantageous in connection with the authorization, sale and issuance of its bonds. All bonds shall contain a recital that they are issued pursuant to the provisions of this act, which recital shall be conclusive that they have been duly authorized pursuant to the provisions of this act. All bonds issued under the provisions of this act shall be and hereby are declared to be negotiable instruments under the

law of the state despite the fact that they are payable from a limited source."

Section 6. Section 16 of said Act No. 493 is hereby amended to read as follows:

"Section 16. REMEDIES ON DEFAULT. If there be any default in the payment of the principal of or interest on any bonds issued hereunder, then the holder of any of the bonds and of any of the interest coupons applicable thereto and the trustee under any indenture, or any one or more of them, (a) may either at law or in equity, by suit, action, mandamus, or other proceeding, compel performance of all duties of the officers and directors of the corporation with respect to the use of funds for the payment of the bonds and for the performance of the agreements of the corporation contained in the proceedings under which they were issued, and compel performance of the duties of all officials of each local subdivision and public corporation which is a lessee under any lease pledged as security for the bonds so in default with respect to payment of the rentals provided to be paid under any such lease, and (b) regardless of the sufficiency of the security for the bonds in default and as a matter of right, shall be entitled to the appointment of a receiver to administer and operate the project out of the revenues from which the bonds so in default are payable, with power to make leases and fix and collect rents sufficient to provide for the payment of the principal of and interest on the bonds and any other obligations outstanding against the project or the revenues therefrom and for the payment of the expenses of operating and maintaining the project, and with power to apply the income therefrom in accordance with the provisions of the proceedings under which the bonds were authorized to be issued. The remedies herein specified shall be cumulative to all other remedies which may otherwise be available for the benefit of the holders of the bonds and the coupons applicable thereto."

Section 7. Section 19 of said Act No. 493 is hereby amended to read as follows:

"Section 19. NOTICE OF BOND RESOLUTION. Upon the adoption by the board of any resolution providing for the issuance of bonds, the corporation may in its discretion, cause to be published once a week for two consecutive weeks, in a newspaper published in the municipality, or if there is no newspaper published in the municipality, then in a newspaper published in the county in which the municipality is located, a notice in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the chairman or secretary of the corporation: '....., a public corporation and a political

subdivision of the State of Alabama, on the..... day of....., authorized the issuance of \$..... principal amount of revenue bonds of the said corporation for purposes authorized in the act of the Legislature of Alabama under which the said corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and the indenture to secure the same, or the proceedings authorizing the same, must be commenced within twenty days after the first publication of this notice.'

"Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds, or the validity of the pledge and indenture made therefor, must be commenced within twenty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said proceedings or of the said bonds, or the said pledge or indenture shall be asserted, nor shall the validity of the said proceedings, bonds, pledge or indenture be open to question in any court on any ground whatsoever except in an action commenced within such period."

Section 8. Section 21 of said Act No. 493 is hereby amended to read as follows:

"Section 21. DISSOLUTION OF THE CORPORATION AND VESTING OF TITLE TO ITS PROPERTIES. At any time when the corporation does not have any bonds outstanding, the board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the corporation shall be dissolved. Upon the filing for record of a certified copy of said resolution in the office of the Judge of Probate of the county, the corporation shall thereupon stand dissolved, and in the event it owned any property at the time of its dissolution the title to all its property shall thereupon vest in the municipality. In the event the corporation shall at any time have outstanding bonds issued hereunder payable out of the revenues from different projects, then as and when the principal of and the interest on all bonds payable, in whole or in part, from the revenues derived from any project shall have been paid in full, title to the project with respect to which the bonds so paid in full have been paid shall thereupon vest in the municipality, but such vesting of title in the municipality shall not affect the title of the corporation to any other project the revenues from which are pledged for the payment of any other bonds then outstanding. The formation of one or more corporations under the provisions of this act shall not prevent the subsequent formation hereunder of

other corporations pursuant to authorization by the same municipality."

Section 9. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved: February 24, 1956.

Time: 2:30 P. M.

Act No. 128

S. 49—Boutwell

AN ACT

To amend Section 81, Title 61, Code of Alabama 1940, as heretofore amended by Act No. 356 of the Regular Session of the Legislature of 1945, approved July 6, 1945, and as amended by Act No. 635 of the Regular Session of the Legislature of 1951, approved September 4, 1951, insofar as such section, as amended, applies in counties having a population of four hundred thousand (400,000), or more according to the last or any subsequent Federal census.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That Section 81, Title 61, Code of Alabama, 1940, as heretofore amended by Act No. 356 of the Regular Session of the Legislature of 1945, approved July 6, 1945, and as amended by Act No. 635 of the Regular Session of the Legislature of 1951, approved September 4, 1951, be and the same is hereby amended so as to read as follows:

"81. (5742) (2520) (56) (2014) (2350) (1986) (1668) Order of grant of administration. Administration of an intestate's estate must be granted to someone of the persons herein named if willing to accept and satisfactory to serve in the following order: 1. The husband or widow. 2. The next of kin entitled to share in the distribution of the estate. 3. The largest creditor of the estate residing in this state. 4. Such other person as the Judge of Probate may appoint; provided, however, that in all counties having a population of four hundred thousand (400,000) or more, according to the last, or any subsequent, federal census, administration of an intestate's estate must be granted to someone of the persons hereinafter named, if willing to accept and satisfactory to serve, in the following order: 1. The husband or widow. 2. The next of kin entitled to share in the distribution of the estate. 3. The largest creditor of the estate residing in this state. 4. The county or general administrator. 5. Such other person as the Judge of Probate may appoint."

SECTION 2. That all laws or parts of laws in conflict herewith be and the same are hereby expressly repealed.

SECTION 3. This act shall become effective upon its passage by the Legislature and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.

Time: 2:31 P. M.

Act No. 129

S. 51—Cantrell, Reeves, Bradford, Calvin, Robison, James, Grisham, Eddins, Allen, Goodwin, Vann, Van Antwerp, Moses, Yarbrough (Randolph), Metcalf, Boutwell, Jones, Yarbrough (Autauga), Newton, Roberts, Dyar, Givhan, Coleman, Lamberth, Davis (Pickens), Leonard, Tate, Skidmore, Shelton, Flowers, Little, Engelhardt, Smith, Davis (Lowndes), and Cooper.

AN ACT

Relating to highways; providing that the state highway department shall construct, repair, and maintain all roads on land owned by the State which is located within the boundaries of any state agricultural experiment station or any branch or sub-station.

Be It Enacted by the Legislature of Alabama:

Section 1. The state highway department shall construct, repair, and maintain all roads on land owned by the State which is located within the boundaries of any state agricultural experiment station or of any branch or sub-station, and such roads shall be considered a part of the state highway system.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.

Time: 2:33 P. M.

Act No. 130

S. 99—Davis (Pickens)

AN ACT

To amend Section 21 of Title 13, Code of Alabama (1940), which divides the State into Supreme Court Divisions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 21 of Title 13, Code of Alabama (1940), is hereby amended to read as follows:

"Section 21. The state is divided into eight supreme court divisions, each division to be numbered and composed of counties as follows:

"First division — Baldwin, Clarke, Mobile, Monroe and Washington.

"Second division — Bibb, Choctaw, Dallas, Greene, Hale, Marengo, Perry, Pickens, Sumter, and Wilcox.

"Third division — Autauga, Butler, Conecuh, Escambia, Lowndes, and Montgomery.

"Fourth division — Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Pike, and Russell.

"Fifth division — Chambers, Chilton, Coosa, Elmore, Lee, Macon, Randolph and Tallapoosa.

"Sixth division — Blount, Cullman, Fayette, Jefferson, Lamar, Marion, Tuscaloosa, Walker, and Winston.

"Seventh division — Calhoun, Cherokee, Clay, Cleburne, DeKalb, Etowah, Shelby, St. Clair and Talladega.

"Eighth division — Colbert, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall and Morgan."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.

Time: 2:35 P. M.

Act No. 131

H. J. R. 43—Hain, Hardy, Callahan,
DeSear, Pruitt.

HOUSE JOINT RESOLUTION

WHEREAS death has taken from our ranks the Honorable William Page Molette, who passed away on February 13, 1956, at the age of eighty-one, and

WHEREAS he had been for many years, and was at the time of his passing, a representative of Dallas County in the House of Representatives, and, had he completed his present term, would have served for almost a quarter of a century as a member of the Legislature of Alabama, and

WHEREAS he served ably and with distinction as a member of the Legislature, and by his personal conduct and outstanding service to his State and county evidenced all that was noblest and best in our way of life; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING:

1. That the members of the Legislature hereby express their most profound grief in the passing of the Honorable William Page Molette, and extend their sincere sympathy to the bereaved family.

2. That a separate page in the journal of the House be set apart for the preservation of this resolution and as a memorial to the memory of the Honorable William Page Molette.

3. That the Clerk of the House transmit a copy of this resolution to the widow, Mrs. Eleanor C. Molette, at Orrville.

Approved: February 24, 1956.

Time: 2:35 P. M.

Act No. 132

H. J. R. 44—Simon, Murphy, Tyson

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE OF REPRESENTATIVES
OF THE LEGISLATURE OF ALABAMA, THE SENATE
CONCURRING:

The sudden death of Dr. Garett Van Antwerp on Friday, February 10, 1956, came as a shock to his many friends; and his passing is here noticed with deep regret. Dr. Van Antwerp, father of the distinguished Senator from Mobile, was an outstanding member of his profession until his retirement, was renowned for his civic activities and for his interest in the social and cultural life of his community. Sincere sympathy is extended to Senator Van Antwerp and the members of his family for their great loss.

Approved: February 24, 1956.

Time: 2:36 P. M.

Act No. 133

H. 149—Simon

AN ACT

To alter, rearrange and add to the limits of the City of Chickasaw, Alabama and to describe the area added to the said limits of the said city.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Chickasaw are altered, rearranged and extended to include within the corporate limits of said City the land described as follows:

- A. Begin at the SW corner of Section 21 T 3S R1W, thence north along the west boundary of said section 1281.00 ft. to the intersection with the north boundary of Second Avenue in the North Mobile Subdivision, said intersection being the point of beginning; thence south $89^{\circ} 50'$ east, go a distance of 511.60 ft. along the north line of Second Avenue, to a point; thence north $00^{\circ} 02'$ west, go a distance of 1351.60 to a point; thence north $88^{\circ} 57'$ west, go a distance of 512.00 ft. to a point; thence north $00^{\circ} 07'$ east go a distance of 37.90 ft. to a point; said point being the NE corner of the $SE\frac{1}{4}$ of Section 20; thence S $89^{\circ} 53' 46''$ west, go a distance of 1,319.12 ft. to a point; thence S $00^{\circ} 1'$ west go a distance of 513.55 ft. to a point; thence south $89^{\circ} 54'$ east go a distance of 650.25 ft. to a point; thence south $00^{\circ} 01'$ west go a distance of 877.55 ft. to a point on the north line of Second Avenue; thence south $89^{\circ} 50'$ east along the north line of Second Avenue a distance of 668.90 ft., more or less, to the point of beginning.
- B. Beginning at a point which is the intersection of the north line of Twelfth Avenue and the west line of the present city limits of the City of Chickasaw, run northwardly along the said west line of the present city limits of the City of Chickasaw to a point which is the intersection of the south line of Ninth Avenue with the said west line of the present City limits of the City of Chickasaw; thence run westwardly along the said south line of Ninth Avenue to a point which is the intersection of the said south line of Ninth Avenue and the east line of Ninth Street; thence run southwardly along the said east line of Ninth Street to a point which is the intersection of the said east line of Ninth Street and the north line of Twelfth Avenue; thence run eastwardly along the said north line of Twelfth Avenue to the point of beginning which is the intersection of the said North line of Twelfth Avenue and the west line of the present city limits of the City of Chickasaw, Alabama.

Section 2. That all laws and parts of laws either general or special in conflict with the provision of this act, be and the same are hereby repealed.

Section 3. That this act shall go into effect upon its approval by the Governor.

Approved: February 24, 1956.

Time: 2:37 P. M.

Act No. 134

H. 179—Taylor

AN ACT

Relating to counties having a population of not less than 29,000 nor more than 29,350 inhabitants, according to the last or any subsequent federal decennial census; to provide for a jury trial in such counties in any proceeding at law or in equity for the purpose of establishing disputed land lines or boundaries between coterminous owners of land.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 29,000 nor more than 29,350 inhabitants, according to the last or any subsequent federal decennial census, any party to an action at law or proceeding in equity for the purpose of establishing or determining disputed land lines or boundaries between coterminous owners, whether such suit is instituted pursuant to Chapter 2 of Title 27, Code of Alabama (1940), or any other provision of law, may demand a trial by jury. Upon such application, a trial by jury shall be directed to determine the issues, or any specified issue of fact, presented by the pleadings, and the court is bound by the result, but may, for sufficient reasons, order a new trial thereof. When a jury trial is not requested, the court shall consider and determine all rights, titles, interests in or claims upon the land in controversy and shall, upon the findings of the jury, or upon such consideration and determination, finally locate, establish and define by decree the boundary line. The Court's decree is binding and conclusive upon all the parties to the suit.

Section 2. This Act shall be known and cited as "The H. B. Taylor Act".

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.

Time: 2:38 P. M.

Act No. 135

H. 196—Murphy, Simon, Tyson

AN ACT

To amend Act No. 638, H. 727, approved September 4, 1951 (Acts of 1950-51, Vol. II, p. 1093), which provides for and fixes the compensation and duties of the Chief Clerk in the office of the Tax Collector of Mobile County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 638, H. 727, approved September 4, 1951 (Acts of 1950-51, Vol. II, p. 1093), entitled "An Act to provide for and fix the compensation and duties of the Chief Clerk in the office of the Tax Collector of Mobile County, Alabama," is amended to read as follows:

"Such Chief Clerk shall be paid a salary of five thousand four hundred dollars per annum, in equal monthly installments."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.

Time: 2:40 P. M.

Act No. 136

H. 197—Wood

AN ACT

Relating to counties having a population of not less than fifteen thousand nor more than sixteen thousand, according to the last or any subsequent federal decennial census: To divide such counties into four forest protection districts, creating the office of district forest warden for each district within such counties, prescribing the duties of such officers, fixing their compensation, and imposing such duties ex officio upon the members of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. Every county in this State having a population of not less than fifteen thousand nor more than sixteen thousand, according to the last or any subsequent federal decennial census, is hereby divided into four forest protection districts, the boundaries of each of which shall coincide with the four commissioners' districts. There shall be four district forest wardens for the county, each of whom shall be charged with the duty of enforcing the provisions of Chapter 4 of Title 8 of the Code of Alabama (1940) in the county, and each of whom shall have the special duty of investigation and reporting, for his district, violations of Chapter 4 of Title 8 of the Code of Alabama (1940).

Section 2. The several members of board of revenue, court of county commissioners, or like governing body of the county shall be ex officio district forest wardens for their respective districts. For the performance of their duties as such wardens, each shall be paid a salary of one hundred dollars (\$100) per month out of any funds in the county treasury not otherwise appropriated.

Section 3. That all laws or parts of laws, general, local, or special, in conflict with the authority created hereby, or the provisions of this act be, and the same are hereby repealed.

Section 4. This Act shall become effective March 1, 1956.

Approved: February 24, 1956.

Time: 2:42 P. M.

Act No. 137

H. 185—Murphy

AN ACT

Relating to notices to delinquent taxpayers in counties having a population of not less than 200,000 nor more than 300,000 according to the last or any subsequent federal decennial census; providing a more convenient and economical system of serving such notices.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply in all counties of this State having a population of not less than 200,000 nor more than 300,000 inhabitants, according to the last or any subsequent federal decennial census.

Section 2. After the first day of January the tax collector must make a personal demand in writing upon delinquent taxpayers, or their agents charged with duty of paying their taxes, whenever they may be found, for the amount of their taxes and fees. It shall be the duty of such delinquents forthwith to pay the taxes and fees assessed or charged against them. But failure to comply with the requirements of this Act shall not invalidate the title to any property sold for taxes.

Section 3. As soon as practicable after receiving from the tax collector the book containing the list of delinquent taxes prepared and filed by the tax collector as required by Title 51, Sections 252 and 253, Code of Alabama (1940), the judge of probate shall give notice to all persons against whom any unpaid taxes are assessed, as shown by such book, by publication for one week in some newspaper published in such county. Such notice shall contain the names in alphabetical order, of all the delinquent taxpayers and the amount of the taxes, fees and costs due and unpaid by each of them; however, such notice need not show the ward or precinct in which such property is assessed, nor otherwise describe the property against which such taxes were assessed. The notice shall be in substantially the following form:

“The State of Alabama (Here insert name of County) County.

“To Whom It May Concern:

"Take notice that the Tax Collector has filed in my office a list of delinquent taxpayers, and the real estate upon which taxes are due. On such list it appears that taxes on certain real estate assessed to the following named parties in the amounts shown opposite each name are delinquent:

"(Here insert names of delinquent taxpayers and amounts due by each.)

"This is to notify each of you, whose names appear above, to appear before the Probate Court of this County, at the next term thereof, commencing on Monday, the day of, 19....., then and there to show cause, if any you have, why a decree of sale of said real estate should not be made for the payment of the taxes, fees and cost assessed upon said real estate.

"(Here Probate Judge's Signature), Judge of Probate."

For serving such notice the Probate Judge is entitled to a fee of twenty-five cents for each name of a delinquent taxpayer included in the notice, such fee to be collected in the same manner that other fees and costs relative to delinquent taxes are collected, and no other fee shall be charged or collected for the service of such notice.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.

Time: 2:55 P. M.

Act No. 138

H. 193—Gist

AN ACT

For the relief of Word Motor Company, Inc., of Scottsboro, Alabama; authorizing and directing the State Highway Department to pay Word Motor Company the sum of two hundred forty-three dollars and three cents (\$243.03) as compensation to said company for services rendered in connection with the repair of a motor truck owned by Jackson County, which payment shall be made from funds of Jackson County maintained by the State Highway Department for use in the construction, repair, and maintenance of county roads and bridges in Jackson County.

Whereas the Word Motor Company, Inc., of Scottsboro, Alabama, did repair a motor truck owned by Jackson County, and rendered its invoice therefor on or about January 17, 1949, and

Whereas responsibility for the construction, maintenance, and repair of the county public roads and bridges of Jackson County, and for the maintenance and use of all funds of Jackson County designated for such purposes, was subsequently transferred to the State Highway Department, and

Whereas this invoice remains due and unpaid; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The State Highway Department is hereby authorized and directed to pay to Word Motor Company, Inc., of Scottsboro, Alabama, the sum of two hundred forty-three dollars and three cents (\$243.03) as compensation to said company for services rendered on or about January 17, 1949, in connection with the repair of a motor truck owned by Jackson County, which payment shall be paid forthwith upon the passage of this Act, on warrant of the State Comptroller drawn on any funds maintained by the State Highway Department for use in the construction, maintenance, and repair of county roads and bridges in Jackson County.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.

Time: 2:56 P. M.

Act No. 139

H. 90—Huddleston, Oden

AN ACT

To regulate further the office of circuit solicitor of the Thirty-first Judicial Circuit of Alabama: Creating special funds for expenditure by the circuit solicitor in law enforcement and in the conduct of his office.

Be It Enacted by the Legislature of Alabama:

Section 1. All fees hereafter taxed as solicitor's fees and collected as a part of the costs in the circuit court of any county in the Thirty-first Judicial Circuit shall be paid into the county treasury where the fee is imposed and collected, to the credit of a solicitor's fund, to be used and expended by the circuit solicitor as provided in Section 2 of this Act.

Section 2. The circuit solicitor of the Thirty-first Judicial Circuit is hereby authorized and empowered to make requisition on the solicitor's fund for the payment of any and all expenses incurred by him for law enforcement and in the proper discharge

and conduct of the duties of his office, as he may see fit, except that such requisition for the payment of expenses shall not exceed the amount in said fund, and in no event shall said amount exceed one thousand dollars (\$1,000) in any one calendar year. The county treasurer or custodian of county funds shall pay out such funds upon requisition of the solicitor.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.

Time: 2:57 P. M.

Act No. 140

H. 209—Dawkins, Hall, Nolen, Goodwyn

AN ACT

To alter or rearrange the boundary lines of the City of Montgomery, Alabama, so as to include within the corporate limits of said City territory not already included therein.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in the County of Montgomery, and State of Alabama, be and the same are hereby altered and rearranged so as to include within the corporate limits of said City all of that territory lying within the County of Montgomery, and included in the following boundaries:

Beginning at the City limits on the North side of the Atlanta Highway (U. S. 80), thence East along the North side of said Highway to the West right-of-way line of Perry Hill Road and its extension, thence South along the West side of the Perry Hill Road and its curvature to the North side of the Harrison or Lincoln Road, thence West along the South side of said Harrison or Lincoln Road 655.7 feet to a point, thence South to the South line of Section 15, T16N, R18E, thence West along the South line of Section 15 to the Southwest corner thereof, thence South along the East line of Section 21, T 16 N, R 18 E to the North right-of-way line of the Vaughn Road, thence West along the North right-of-way line of the Vaughn Road and the Carter Hill Road to the existing City Limits Line; thence Northward and along the existing City Limits Line to the point of beginning — all of the above described territory being in Township 16 North, Range 18 East, and lying in Montgomery County, Alabama.

Section 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 3. That this Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.

Time: 2:58 P. M.

Act No. 141

H. 131—Merrill, Branyon

AN ACT

To revise Article 6 of Title 17, Code of Alabama (1940) by amending Sections 77, 80, 81, 84, and 89, thereof which relate to election precincts and districts and polling places therein, and repealing Section 79 thereof, which limits the number of voters in a district.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 77 of Title 17, Code of 1940 is hereby amended to read as follows:

"The counties in this State as now divided into election precincts, and the boundaries of such precincts as now defined, shall so remain until changed by order of the county governing body, but the county governing body shall sub-divide any election precinct in which there are more than three hundred qualified voters and paper ballots are used or in which there are more than six hundred qualified voters and voting machines are used into election districts or shall divide alphabetically the list of qualified voters in such precincts into groups and assign each qualified voter a designated voting place and a designated box or voting machine in such precinct so as to provide a box for every person legally entitled to vote at which not more than three hundred paper ballots will be cast or a machine at which not more than six hundred votes by voting machines will be cast."

Section 2. Section 80 of Title 17, Code of 1940 is hereby amended to read as follows:

"The court of county commissioners or board of revenue or other governing body of the county, at any regular meeting of said court or board, shall in their respective counties examine the registration and official list of voters as the same is on file in the office of the judge of probate of said county, and if it shall appear from such examination and from other available sources of information that there is in any election precinct as now constituted in which paper ballots are used more than three hundred legal voters, or that there is in any election precinct as now constituted in which voting machines are used more than six hundred legal voters, they shall immediately either divide

said precinct into election districts so that no one district shall contain over three hundred legal voters where paper ballots are used or six hundred legal voters where voting machines are used or establish two or more places or provide additional boxes or voting machines at established polling places in such precinct and shall separate the list of qualified registered voters in said precinct, as shown by the list on file in the office of the probate judge in said county, into groups in alphabetical order so that no group in a precinct in which paper ballots are used shall contain more than three hundred qualified registered voters or in a precinct where voting machines are used more than six hundred qualified registered voters and shall designate the place and box or machine in such precinct at which each qualified voter shall cast his ballot."

Section 3. Section 81 of Title 17, Code of 1940 is hereby amended to read as follows:

"Whenever at any general or primary election in any election precinct or district over three hundred votes shall have been cast by paper ballot or six hundred by voting machines, the court of county commissioners or board of revenue or other governing board of said county shall readjust the boundary lines of said election precincts or election districts or shall separate the list of qualified registered voters in such precinct into alphabetical groups of not more than three hundred when paper ballots are used or six hundred when voting machines are used as authorized in the preceding section, and may divide or consolidate any number of precincts or districts and re-subdivide the same in order that not more than three hundred voters shall be contained in any one election district and authorized to vote at one box when paper ballots are used, or not more than six hundred voters shall be contained in any one election district in which voting machines are used and voters are authorized to vote at only one place."

Section 4. Section 84 of Title 17, Code of 1940 is amended to read as follows:

"The courts of county commissioners, or boards of revenue, or other governing bodies of said counties, shall designate the places of holding elections in the election districts established hereunder, and whenever the county governing body has alphabetically divided the list of registered qualified voters of a precinct or district into groups it shall designate not only the voting place but also the number of boxes or voting machines at each voting place in the precinct or district, being sure that it designates a box or machine for each group of qualified voters. The county governing body is hereby specifically authorized to pro-

vide for installing as many boxes or machines as are needed in each precinct and such boxes or machines may all be installed at one designated voting place in a district or there may be more than one voting place designated and such number of boxes or machines installed at each place as needed to provide for the voters authorized to vote at each such place. The county governing body shall file with the judge of probate of the county along with a copy of its order fixing the boundaries of a precinct or district, the names of places designated for voting, indicating in those precincts or districts in which the voters have been alphabetically divided into groups the voting places and boxes or voting machine at which each alphabetical group shall vote, and shall also post such list of voting places at the courthouse door of such county."

Section 5. Section 89 of Title 17 of the Code of Alabama (1940) is hereby amended to read as follows:

"The judge of probate, sheriff, and clerk of the circuit court of each county in this state shall provide one ballot box, and where it is deemed necessary, shall provide more than one."

Section 6. Section 79 of Title 17 of the Code of Alabama (1940), which limits the number of legal voters in an election district to three hundred, is hereby repealed.

Section 7. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.

Time: 2:59 P. M.

Act No. 142

H. 132—Merrill, Branyon

AN ACT

To amend Section 366 of Title 17, Code of Alabama (1940) which provides for the tabulation and declaration of results of primary elections and provides for a second primary in the event that no candidate for office receives a majority of the votes cast for such office.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 366 of Title 17 of the Code of Alabama (1940) is hereby amended to read as follows:

"The county executive committee of the party or parties participating in said primary election shall meet at the court house of their counties, not later than Wednesday, noon, next following said primary election, and receive said returns, canvass and tabulate the same, by precincts, and publicly declare

the results thereof; and the chairman of each county executive committee shall forthwith, and not later than the next day, certify and return to the chairman of the state executive committee a statement and tabulation, by precincts, of the result of said primary election and of the number of votes received by each candidate therein for office, except candidates for county office, and not later than noon on the Tuesday next following said primary election, the state executive committee, or such sub-committee thereof as may have been appointed by the chairman thereof for such purpose shall meet at the State Capitol in Montgomery and receive said returns and canvass and tabulate the same by counties, and publicly declare the result thereof as to all candidates for office therein, except candidates for county office; and at said respective meetings of said respective executive committees, said county executive committee shall, as to candidates for county office in said primary elections, and said state executive committee shall, as to candidates in said primary election, for office, except candidates for county office, publicly ascertain, determine and declare; If any candidate for office in said primary election has received a majority of the votes cast for that office, and, if so, declare said candidate the nominee of the party for the office which he was a candidate and for which he received a majority of the votes cast for that office in said primary election; If no candidate receive a majority of all of the votes cast in such primary election for any one office or offices for the nomination to which there were more than two candidates, then there shall be held a second primary election on the fourth Tuesday next thereafter following said primary election, and the chairman of the state executive committee shall certify to the secretary of state, within three days from the date the state executive committee, or sub-committee thereof, canvassed the returns of the first primary election, the names of the two candidates of his party to receive the highest number of votes in the first primary election for such office, or offices, except county officers, and who are to be voted for in the second primary election, and the chairman of each county executive committee shall, within three days from the date the county executive committee canvassed the returns of the first primary election, certify to the probate judge of the county the names of the two candidates who received the highest number of votes in the first primary for nomination to any county office; and the secretary of state shall, within not more than three days from the date he receives said certificate from the chairman of the state executive committee, certify to the probate judge, of any county where a second primary election is to be held the name or names of the candidates certified to him as herein provided by the chairman of the state executive committee; and the probate judge of each county in Alabama

shall in manner and form as required by this chapter and the general laws of Alabama have prepared and printed all election supplies and all ballots to be voted in the second primary election, which ballots shall contain, under appropriate headings or titles of the offices to be filled, the names of the two candidates for each office so certified to him by the secretary of state and the chairman of the county executive committee, as herein required, as well as such other matters as are required by this chapter and the general laws of Alabama, on ballots for the first primary election. At the second primary election no one can be a candidate except the two persons who receive the highest number of votes for the office for which they were candidates, in the first primary election. The returns from the second primary election shall be made and the votes canvassed and tabulated and the results declared in the same manner herein provided for making, canvassing and tabulating, and declaring the results of the first primary election. The county executive committee of the parties participating in said primary election shall meet at the court house of their respective counties not later than Wednesday noon, next following the second primary election and receive said returns, canvass and tabulate the same by precincts, and publicly declare the results thereof, and the chairman of each county executive committee shall forthwith, and not later than the next day, certify and return to the chairman of the state executive committee a statement and tabulation by precincts of the results of the second primary election and of the number of votes received by each candidate for office therein voted for, except candidates for county office, and not later than noon on the Tuesday next following the second primary election the state executive committee, or such subcommittee thereof as may have been appointed by the chairman thereof for such purpose, shall meet at the State Capitol in Montgomery and receive said returns and canvass and tabulate the same by counties, and publicly declare the result thereof as to all candidates voted for, except as to candidates for county office, and at said respective meetings of said respective executive committees, said county executive committee shall, as to candidates for county office voted for in the second primary election, and said state executive committee shall, as to candidates for office in the second primary election voted for therein, except candidates for county office, publicly ascertain and determine the candidates receiving a majority of all of the votes cast in such second primary election for any one office, and the candidates so ascertained and determined to have received a majority of all of the votes cast in such second primary election for said office shall be declared the nominee of the party for such office, by said respective county and state executive committees; and thereupon, and within five days from the date the county executive committee canvassed the returns

of the second primary election, the chairman thereof shall certify to and file with the judge of probate of his county the names of those who have been nominated in the first or the second primary election or as otherwise authorized or provided by this chapter, as candidates of his party for county offices, and in like manner, and within ten days from the date the state executive committee, or sub-committee thereof canvassed the returns of the second primary election, the chairman of the state executive committee shall certify to and file with the secretary of state the names of those who have been nominated in the first or second primary election or as otherwise authorized or provided by this chapter as candidates of his party for office, except candidates for county office, and the names of the persons so certified shall be placed upon the official ballot of the general election to be held in November next thereafter as the candidates of the party for the offices for which they, respectively, have been so nominated. In the event either of the two candidates receiving the highest number of votes in the first primary election shall determine not to enter the second primary election, herein provided for, he shall, as soon as possible and not less than ten days after the holding of the first primary election, certify his declination to enter such second primary election to the chairman of the state executive committee of his party, if the office is an office other than a county office, or to the chairman of the county executive committee of his party if the office is a county office, and upon the receipt of such notification the chairman of such committee shall declare the other candidate the nominee of the party for such office and certify his name as such nominee to the secretary of state or probate judge, as the case may require, and a second primary election for the nomination of a candidate for that particular office shall not be held, nor shall his name be printed on the ballot of the second primary election. If a nominee for a single office is to be selected, with more than one candidate, then the majority of votes cast for said office in such election shall be ascertained by dividing the total vote cast for all candidates for said office by two, and any number of votes in excess of one-half of such total votes cast for all candidates for such office shall be a majority within the meaning of this section. If nominee for two or more offices (constituting a group) are to be selected, and there are more candidates for nomination than there are such offices, then the majority of votes cast for said office in such election shall be ascertained by dividing the total vote cast for all such candidates by the number of positions to be filled, and then dividing the result by two. Any number of votes in excess of the number ascertained by such last division shall be the majority herein provided for necessary for nomination. If in ascertaining the result in this way, it appears that more candidates have obtained this majority

than there are positions to be filled, then those having the highest vote, if beyond the majority just defined, shall be declared the nominees for the positions to be filled."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.

Time: 3:01 P. M.

Act No. 143

H. 133—Merrill, Branyon

AN ACT

To amend Section 114 of Title 17 of the Code of Alabama (1940) which relates to the preservation of ballots and records of voting machines after an election.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 114 of Title 17, Code of Alabama (1940) is hereby amended to read as follows:

"The voting machines shall remain locked against voting for the time provided by law for the filing of contests and then shall have the seal broken only on the order of that body which, under the general provisions of law, now has charge of and control over ballot boxes in that county, municipality, or other political subdivision, and if, in the opinion of such body, the contest has developed or is likely to develop, shall remain locked until such time as ordered opened by the court hearing the contest, or until a final determination thereof. Provided that on the order of any court of competent jurisdiction or on the order of any legislative body or governing body having jurisdiction over such election, the seal may be broken for the purpose of proper investigation and when such investigation is completed, the machine shall again be sealed and across the envelope containing the keys shall be written the signature of the person or persons having broken same and provided further that in the event another election is held during the time for which the machines are required by this section to be locked and the machines are needed at such election, the board charged with canvassing the returns of the election at which the machines were last used shall be authorized to break the seal and make a record of the numbers on all counters on each machine and to remove all of the election records from the machine. The canvassing board shall securely seal all records taken from a machine in an envelope or package and on the outside thereof label the package in such manner as to indicate plainly the machine from which they were removed and the month, day, and the year, of the election of which they are

records. Each member of the canvassing board shall certify to the accuracy of the record of the numbers on the counters and shall sign the envelope or package across the seal. This certificate and all other records removed from the voting machines shall be delivered to the officer to whom paper ballots are delivered after an election and preserved by him for the same length of time and then destroyed in the same manner that paper ballots are handled."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.
Time: 3:10 P. M.

Act No. 144

H. 134—Merrill, Branyon

AN ACT

To amend Section 363 of Title 17 of the Code of Alabama (1940), which prescribes the procedure to be followed after the polls have closed relative to the official lists of voters, the certificate of the result of the election and the retention and final disposition of ballots.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 363 of Title 17, Code of Alabama (1940) is hereby amended to read as follows:

"No ballot shall be counted until the polls are closed, and before counting any ballot or examining the same, one of the official lists of voters for each party participating in the primary which was furnished by the probate judge and the numbered poll list signed by the voters participating in the primary election shall be securely sealed in separate envelopes and each of the inspectors shall write his name across every fold at which the envelope if fastened could be opened. After the count of the votes is finished, and certificates of the result have been prepared and signed, the inspectors shall seal up in a separate envelope all the ballots cast at such election, and shall put such ballots so sealed up into the proper party ballot box, and shall also put into the ballot box one tally sheet and one certificate of the result, and the ballot box with those contents in it shall be securely locked and sealed. The inspectors shall also, in an envelope, addressed to the chairman of the county executive committee or other governing body of each political party participating, seal up one certificate of the result, and one tally sheet, and such envelope with those contents in it, together with the proper party ballot box, shall thereupon be immediately delivered to the returning officer, who shall keep the same securely in his possession and

by noon of Wednesday following the primary shall carry and deliver the box and envelope separately to the proper chairman of the county executive committees of the political parties participating in such primary, at the office of the probate judge of the county. After the result has been canvassed and declared by the county executive committee the chairman of such county committee shall securely keep the ballot box, until it is known that there will be no contest, but in any event, not less than thirty days, and if in that time no contest has been properly instituted, such chairman shall then destroy the contents of such box without examining the same; and such ballot box shall not be opened except in one or the other of the following events: First, in the event of a contest, where the opening of the box has been authorized under authority of the chairman of the executive committee trying the contest; and second, where a box has been returned but no certificate of the result of the election has been sent the chairman outside of the box, the box may be opened by the chairman of the county committee, under the direction and in the presence of the committee; and the committee for canvassing purposes may obtain the result at any particular district, ward or precinct, from the contents of the box, using the certificate of result contained therein, if any, or otherwise, so far as necessary in order to obtain it from the box; after which the papers shall be returned into the box and the box be resealed by the chairman in the presence of the committee."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.

Time: 3:11 P. M.

Act No. 145

H. 135—Merrill, Branyon

AN ACT

To amend further Section 344 of Title 17, Code of Alabama (1940), as amended, which provides for the certification of the names of candidates of political parties entering primary elections.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 344 of Title 17, Code of Alabama, (1940), as amended, is hereby further amended to read as follows:

"The chairman of the state executive committee of each party entering a primary election shall, not less than fifty-five days prior to the date of holding the election, certify to the secretary of state the names of all candidates for nomination to federal,

state, circuit, and district offices, the state senate and house of representatives, and all other candidates except candidates for county offices. The chairman of the county executive committee of each party entering the primary election shall, not less than fifty-five days prior to the date of holding the election, certify to the probate judge the names of all candidates for nomination to county offices. The secretary of state shall, not less than forty-five days prior to the date of holding the primary election, certify to the probate judge of every county in which the election is to be held the names of the opposed candidates for nomination to federal, state, circuit, and district offices, the state senate and house of representatives, and all other opposed candidates, except candidates for county offices. The probate judge of each county shall have the ballots prepared for the primary election. If a legally qualified candidate for nomination to an office is unopposed when the last date for certifying candidates has passed, his name shall not be printed on the ballots to be used in the primary election, and he shall be the nominee of the party with which he has qualified for the office. The probate judge shall have the ballots so printed that the names of the opposing candidates for any office to be voted for by the voters of more than one county shall, as far as practicable, alternate in position upon the ballot so that the name of each candidate shall occupy, with reference to the name of every other candidate for the same office, first position, second position, and every other position, if any, upon an equal number of ballots. When printed, the ballots shall be distributed impartially and without discrimination by the probate judge."

Section 2. The Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.

Time: 3:15 P. M.

Act No. 146

H. 67—Perry, Vacca, Lackey

AN ACT

To amend Act No. 376, S. 280, approved August 16, 1947 (General Acts, 1947, p. 267) which authorized and empowered governing bodies of municipal corporations, counties, city and county boards of education, and state agencies and institutions to obtain and maintain group life, health, accident and hospitalization insurance for the benefit of certain of its officers and employees; authorizing such bodies to provide insured retirement plans for certain of their officers and employees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 376, S. 280, approved August 16, 1947 (General Acts of 1947, p. 267), an Act which

authorized and empowered governing bodies of municipal corporations, counties, city and county boards of education, and state agencies and institutions to obtain and maintain group life, health, accident and hospitalization insurance for the benefit of certain of its officers and employees, is amended to read as follows:

"The council, commission or similar governing body of each municipal corporation; the court of county commissioners, board of revenue or similar governing body of each county; the board of education of each city; the board of education of each county; and the board of trustees, board of managers, board of control or similar governing body of each state agency or institution of education, learning, training or correction, or for the delinquent, insane, sick, deaf, dumb, blind, needy, juvenile or aged, now existing or hereafter established, shall have power and authority to contract for and obtain and maintain policies of group life, health, accident and hospitalization insurance, or any one or more of them, and shall have power and authority to contract for and obtain and maintain individual annuity contracts, retirement income policies or group annuity contracts to provide a retirement plan, for the benefit of such of the officers and employees of such municipality, county, board, agency or institution as may be determined by such governing body and as shall or may elect to accept the same, and who have authorized in writing such governing body to make deductions from their compensation to pay premiums on any such policy or policies if such premiums be payable in whole or in part by such officer or employee. The term 'insurance', as used in this Chapter 13, includes the term 'annuity', and the term 'policy' includes the term 'contract'."

Section 2. This Act shall become effective immediately upon passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.
Time: 3:16 P. M.

Act No. 147

H. 174—Richardson

AN ACT

To amend Act No. 286, H. 774, approved August 24, 1955, which relates to Southern University and the Old South Museum.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 286, H. 774, approved August 24, 1955 (Acts of 1955, p. 651), which relates to Southern University and the Old South Museum, is amended to read as follows:

"There is hereby appropriated out of any funds in the state treasury not otherwise appropriated the sum of twelve thousand five hundred dollars (\$12,500.00), to be used exclusively to restore the interior of the building in Greensboro, Alabama, which formerly housed the Southern University, for the purpose of making the building into an 'old south' museum. A committee of three citizens of the State shall be appointed by the Governor to administer the appropriation made herein. The chairman of the committee shall make requisition on the Comptroller for the payment of such appropriation in the same manner that requests are made by state institutions of higher learning, and the appropriation shall be paid out or released in the manner provided by law for the payment or release of appropriations made to such institutions. The members of the committee shall serve without remuneration of any kind."

Approved: February 24, 1956.

Time: 3:17 P. M.

Act No. 148

H. 177—Thomas, Lee (Barbour)

AN ACT

To levy a license tax upon persons using trading stamps in counties with a population of not less than 27,500 nor more than 28,900, according to the last or any succeeding Federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Every person who in connection with the sale by him of goods, wares, or merchandise of any kind, issues, sells, gives away or otherwise distributes trading stamps which are redeemable, or will be accepted in whole or partial payment or exchange for anything of value, either by the issuer or by any other person, shall, in addition to all other taxes, pay to the county, on each separate place of business, in which any part or phase of such issuance, sale, gift or other distribution of such trading stamps, occurs, an annual license tax as follows: if such person's gross volume of business in such separate place of business for the last preceding calendar year was less than \$125,000.00, the sum of \$250.00; if \$125,000.00 or more but less than \$250,000.00, the sum of \$500.00; if \$250,000.00 or more, but less than \$500,000.00, the sum of \$1,000.00; if \$500,000.00 or more, the sum of \$2,000.00. The tax in this sub-section (a) levied shall not apply to coupons, or certificates furnished by a manufacturer or compounder as a part of an original package or item of merchandise and distributed in connection with that one commodity only, or to any coupon, ticket, certificate, card or other similar device issued or distributed by a manufacturer

or packer which is redeemable for or to be used in connection with the redemption of any goods, wares or merchandise by the manufacturer or packer, or its agents or independent contractor acting for redemption.

(b) Every person who engages in or carries on the business of issuing, lending, licensing or selling to merchants or venders, trading stamps which are redeemable or will be accepted in whole or partial payment, or in exchange, for anything of value by anyone whomsoever, shall pay to the county in which such issuing, lending, licensing or selling occurs, in addition to all other taxes, an annual license tax of three percentum of the gross receipts of such business and such license tax shall in no event be less than \$500.00. The said tax shall be paid in the following manner: The person desiring to engage in such business shall pay on or before the fifteenth day of the county's fiscal year to its Department of Revenue, the sum of \$500.00 and shall also at the same time execute a bond payable to the county in such sum and form as is acceptable to the Department of Revenue, which shall insure the payment of said three percentum tax; such person shall thereafter and before the fifteenth day of the county's next fiscal year render to the county a sworn statement showing the gross amount received by such person for issuing, lending, licensing, selling, redeeming or exchanging trading stamps, and if it appears that such three percentum of the amount so received exceeds \$500.00, then such person shall pay to such county an additional amount equivalent to the amount by which such three percentum exceeds the sum of \$500.00. The tax in this sub-section (b) levied shall be credited with and reduced by any sum which such person may have paid to or for the use of such county under Section 606 of Title 51, Code of Alabama, as last amended.

Section 2. This Act shall be applicable only in counties with a population of not less than 27,500 nor more than 28,900 according to the last or any succeeding federal census and the collection of the tax here levied shall be governed by the methods and procedures and persons charged by law with collecting license taxes in such counties. The word "person" or any pronoun referring thereto used in this Act shall be deemed to include partnerships and corporations. The words "trading stamps" shall be deemed to include any certificates or coupons of like character or substitute therefor.

Section 3. The provisions of this Act are severable, and if any provision or subdivision be held invalid or inapplicable to any person, firm or corporation or to any particular kind of business such decision shall not affect the validity or enforceability of the remainder.

Section 4. All laws or parts of laws in conflict herewith are repealed.

Section 5. The Act shall become effective sixty (60) days after its passage and approval by the Governor; or upon its otherwise becoming law.

Approved: February 24, 1956.

Time: 3:20 P. M.

Act. No. 149

H. 180—Jenkins, Vacca, Nice,
Lackey, Harrison, Money, Gist,
Payne, Adams, Locke (Perry),
DeSear, Cox, Hunt, McClendon.

AN ACT

Relating to crimes and offenses: To make it a misdemeanor for any person to leave in any place accessible to children, abandoned, unattended, or discarded iceboxes, refrigerators and the like, without removing locks or doors from the same; to provide for punishment of such acts; to declare such iceboxes and the like public nuisances, and to provide for abatement of the same; to repeal all conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, or discarded icebox, refrigerator or other container of any kind which has an airtight snaplock or other device thereon without first removing the said snaplock or doors from said icebox, refrigerator, or container.

Section 2. Any person who violates any provision of Section 1 of this Act is guilty of a misdemeanor, and upon conviction shall be punished as prescribed by law.

Section 3. Any abandoned, discarded, or unattended icebox, refrigerator, or other container of any kind which has an airtight door or lock which may not be released for opening from the inside of such icebox, refrigerator or container is hereby declared to be a public nuisance and subject to abatement as in other cases.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.
Time: 3:21 P. M.

Act No. 150

H. 204—Meeks, Kaul, Perry,
Lackey, Edwards (Jefferson),
Nice, Vacca.

AN ACT

To amend Section 8 of Act No. 551 of the Legislature of Alabama of 1953 approved September 9, 1953, General Acts of Alabama of 1953, page 766, entitled: "An act to provide for the establishment and administration of a Retirement System for County Employees in Jefferson County, Alabama, and for the payment of benefits to the employees of said County."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 8 of Act No. 551 of the Legislature of Alabama of 1953 entitled "An Act to provide for the establishment and administration of a Retirement System for County Employees in Jefferson County, Alabama, and for the payment of benefits to the employees of said County," approved September 9, 1953, be and the same is hereby amended to read as follows:

"Section 8. 'METHOD OF FINANCING': (a) 'Salary Deductions': Every member of the retirement system shall pay into the retirement fund five per cent (5%) of his monthly wage or salary paid to him by the County, but if such wage or salary exceeds Three Hundred Dollars (\$300.00) per month, then only five per cent (5%) of the first Three Hundred Dollars (\$300.00) thereof. The County governing body is hereby directed to cause such deductions to be made each payroll period; and the aggregate amount so deducted from the salaries covered by said payrolls shall be paid over to the Treasurer of the retirement system. All such payments for salary deductions shall be deposited in the retirement fund herein created. (b) 'County Contributions': (1) Each payroll period an amount equivalent to that deducted from the employees' salaries shall be contributed by the County and shall be paid into the retirement fund by the County governing body out of the general fund of the County. All of the funds remaining of the contributions heretofore paid by the County and the employees to the retirement fund under said Act 810, 1951 General Acts, page 1411, approved September 11, 1951, are hereby required to be paid to the retirement system created by this Act immediately after the effective date hereof. Such funds to be paid into the system created by this Act shall include all investments and earnings of the retirement system created by Act 810, 1951 General Acts, page 1411, approved September 11, 1951. The County Commission of Jefferson County shall

cause to be paid into the retirement fund created by this Act the sum of \$100,000.00 payable at the rate of \$12,500.00 per year, the first payment to be on the 15th day of November, 1953, and a like sum each year thereafter on the 15th day of November until the said \$100,000 is paid in full. (2) If any member, either before or after the effective date of this act, shall have left the service of the County for the purpose of entering the service of the Armed Forces of the United States, and shall have been granted a military leave of absence for such purpose under the laws, rules, and regulations governing the employees of the County, and shall not have been dishonorably discharged from such Armed Forces and shall have been reinstated to the service of the County within ninety days after his separation from such Armed Forces, then the County shall promptly pay into the fund an amount equal to twice the contribution which the employee would have made if he had not been absent on such leave and if his wages or salary had continued to be the same as he was earning at the time of the commencement of his leave, provided, however, that no part of such payment by the County shall be refundable to the employee under any provisions herein for the return of employee contributions."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.

Time: 3:22 P. M.

Act No. 151

H. 206—Fite

AN ACT

To amend Section 1 of Act No. 115 of the 1949 Regular Session, approved June 22, 1949, which act is entitled "Levying in Marion County, Alabama, additional special privilege or license taxes and excise taxes equalling fifty percentum of, and otherwise paralleling with like provisions in Marion County, such State taxes as are levied by the State of Alabama by Sections 752 through Section 811 and Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama and amendments thereto, except that only fifty percentum of the State Levy is hereby made and is to be collected hereunder in Marion County and providing for the collection thereof and providing that all such revenue arising from the levy herein made shall be used exclusively and solely for the following purposes: The total taxes collected for the first twenty-four months after the effective date of this Act must be spent by the Marion County Board of Revenue for the construction and equipping of a County Public Clinic to be located in the Town of Guin in Marion County, Alabama. Thereafter, the revenue arising from said taxes to be spent by said Marion County Board of Revenue for the construction, maintenance, operation, and improvement of a Nurses Home at Hamilton, Alabama, for the County Public Hospital located in Hamilton, in Marion County, Alabama; for the maintenance, operation, and improvement of the County Public

Hospital located at Hamilton, in Marion County, Alabama; for the maintenance, operation, and improvement of the County Public Clinic located at Guin, in Marion County, Alabama; and for other public purposes of any kind and description as in the judgment of said Marion County Board of Revenue is meet and proper."

Be It Enacted by the Legislature of Alabama:

Section 1. That section 1 of Act No. 115 of the 1949 Regular Session of the Legislature, General Acts 1949, page 139, approved June 22, 1949, be and the same is hereby amended to read as follows:

Section 1. In Marion County, Alabama, there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates, against gross sales, or gross receipts, as the case may be, as follows: (a) Upon every person, firm or corporation engaged or continuing within Marion County, Alabama, in business of selling at retail any tangible personal property whatsoever, including merchandise, and commodities of every kind and character, (not including, however, bonds or other evidences of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. (b) Upon every person, firm or corporation engaged, or continuing within Marion County, Alabama in the business of conducting, or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Marion County, Ala-

bama, an amount equal to one per cent of the gross receipts of any such business. (c) Upon every person, firm or corporation engaged or continuing within Marion County, Alabama, in the business of selling any automotive vehicles, an amount equal to one-fourth of one per cent of the gross proceeds of the sale of said automotive vehicle. (d) The tax levied in section 1 hereof shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements provisions, penalties, fines and punishments and deductions set out in sections 752 through 786, Article 10, Chapter 20 of Title 51, Alabama Code of 1940, and amendments thereto, and also shall include all of the exemptions to the Alabama Sales Tax Act which are contained therein and which have also been added to said State Sales Tax Act by all amendments thereto since the date of the adoption of the Alabama Code of 1940, except where inapplicable hereto or wherein it is otherwise provided, all of which exemptions and other provisions herein referred to are made a part of this Act and Act as amended by way of reference and shall be deemed a part hereof as if same were copied herein, including the provisions for the enforcement and collection of said State tax.

Section 2. That if any section, clause, provision, or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Act which is not of itself invalid or unconstitutional.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved: February 24, 1956.
Time: 3:23 P. M.

Act No. 152

H. 210—Locke (Perry), DeSear

AN ACT

To alter the corporate limits of the City of Marion, Perry County, Alabama, and to rearrange and define the boundaries thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. That hereafter the corporate limits of the City of Marion, Perry County, Alabama, shall be as follows: North-east Quarter, East Half of Northwest Quarter and South Half of Section 1, East Half of Southeast Quarter and East Half of Southwest Quarter of Southeast Quarter of Section 2, East Half of Section 11, Section 12, Section 13, East Half of Northeast Quarter of Section 14, East Half of Northwest Quarter of North-east Quarter of Section 14, and North Half of Northeast Quarter

of Section 24; all in Township 19, North, Range 7, East. Also West Half of Northwest Quarter and South Half of Northeast Quarter of Northwest Quarter and Southeast Quarter of Northwest Quarter and Southwest Quarter of Northeast Quarter and South Half of Section 6, West Half of Southwest Quarter and West Half of Southeast Quarter of Southwest Quarter of Section 5, Section 7, Section 8, Section 18, West Half of Northwest Quarter and West Half of Northeast Quarter of Northwest Quarter of Section 17, and North Half of Northwest Quarter of Section 19; all in Township 19, North, Range 8, East. All the territory embraced within the above described boundaries shall be included within the corporate limits of said City.

Section 2. That this act shall take effect immediately upon its passage and approval.

Approved: February 24, 1956.

Time: 3:25 P. M.

Act No. 153

H. J. R. 48—Adams, Johnson (Tallapoosa)

HOUSE JOINT RESOLUTION

Whereas the Honorable Mike J. Bulger, a leading citizen of Tallapoosa County and a former member of the House of Representatives, died on Tuesday, February 7, 1956;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREFORE CONCURRING:

That the Legislature notes with the deepest regret the passing of the Honorable Mike J. Bulger, and extends its most heartfelt sympathy to the family of Mr. Bulger.

Be it further resolved, that a copy of this resolution be spread upon the minutes of the House of Representatives, and that a copy of this resolution be transmitted by the Clerk of the House to the bereaved family.

Approved: February 24, 1956.

Time: 3:26 P. M.

Act No. 154.

H. 18—Ramey, Thomas, McClendon

AN ACT

To Amend Section 232 of Title 22 of the Code of Alabama of 1940, as Amended:

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 232 of Title 22 of the Code of Alabama of 1940, as amended, be and it now is amended so as to read as follows:

Section 232. Definitions. The following words and phrases, as used in this chapter, shall have the following meanings, unless the context otherwise requires: "Physician" means a person authorized by law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in this state, and to use, mix or otherwise prepare narcotic drugs in connection with such treatment. "Dentist" means a person authorized by law to practice dentistry in this state. "Veterinarian" means a person authorized by law to practice veterinary medicine in this state. "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions. "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced or prepared, on official written orders, but not on prescriptions. "Apothecary" means a licensed pharmacist as defined by the laws of this state, and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this chapter shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state. "Hospital" means an institution for the care and treatment of the sick and injured, approved by the state board of health as proper to be intrusted with the custody of narcotic drugs under the direction of a physician, dentist, or veterinarian. "Laboratory" means a laboratory approved by the state board of health as proper to be intrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for the purposes of instruction. "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee. "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made. "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium, including apomorphine or any of its salts. "Cannabis" includes all parts of the plant *cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation

of such mixture stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination. "Isonipecaïne" means the substance identified chemically as 1-methyl-4 phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof whether known as Demorol or by whatever other trade name identified. "Narcotic drugs" means coca leaves, opium, cannabis, isonipecaine, and every substance neither chemically nor physically distinguishable from them. "Federal narcotic laws" means laws of the United States relating to opium, coca leaves, and other narcotic drugs. "Official written order" means an order written on a form provided for that purpose by the United States commissioner of narcotics, under any laws of the United States making provisions therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the state board of health. "Special written order" means a written order accompanied by a certificate of exemption, as required by the federal narcotic laws, to a person in the employ of the United States government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties. "Dispense" includes distribute, leave with, give away, dispose of, or deliver. "Registry number" means the number assigned to each person registered under the federal narcotic laws. "Written Prescription" means a writing containing the information and processed as provided in Section 236 of this Title or an oral prescription under these limited conditions only; viz, (1) Provided that the oral prescription calls for the use of such narcotic drugs or compounds of a narcotic drug which the Secretary of the Treasury of the United States shall find and by regulation designate to possess relatively little or no addiction liability and (2) provided that such oral prescription is reduced promptly to writing showing all the information required by, and said writing processed as required by Section 236 of this title and is preserved not less than two years from the date such prescription is filled and is made readily accessible to inspection as required by said Section 236 and as required by the Internal Revenue Code of the United States. No prescription made orally as here provided shall be refilled.

Approved: February 24, 1956.

Time: 3:28 P. M.

Act No. 155

H. 19—Ramey, Thomas, McClendon
AN ACT

To amend Section 3 of an Act Entitled "An Act to Regulate the Handling, Sale and Distribution of Barbiturates" approved August 15, 1947 (General Acts of 1947, Page 179.)

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of an Act Entitled "An Act to Regulate the Handling, Sale, and Distribution of Barbiturates" approved August 15, 1947 (General Acts of 1947, Page 179) be and it is amended to read as follows:

Section 3. (Prohibited Acts.) Except as provided in Sections 4 and 5, the following acts, the failure to act as hereinafter set forth, and the causing of any such act or failure are hereby declared unlawful. (A) The delivery of barbiturate unless: 1) such barbiturate is delivered by a pharmacist, upon an original prescription, and there is affixed to the immediate container in which such drug is delivered a label bearing a) the name and address of the owner of the establishment from which such drug was delivered, b) the date on which the prescription for such drug was filled, c) the number of such prescription as filed in the prescription files of the pharmacist who filled such prescription, d) the name of the practitioner who prescribed such drug, e) the name and address of the patient, and if such drug was prescribed for an animal, a statement showing the species of the animal, and f) the directions for use of the drug as contained in the prescription; or 2) such barbiturate is delivered by a practitioner in the course of his practice and the immediate container in which such drug is delivered bears a label on which appear the directions for use of such drug, the name and address of such practitioner, the name and address of the patient and, if such a drug is prescribed for an animal, a statement showing the species of the animal. (B) The refilling of any prescription for a barbiturate unless and as designated on the prescription by the practitioner. (C) The delivery of a barbiturate upon prescription unless the pharmacist who filled such prescription files and retains it as required by Section 6. (D) The failure by a practitioner who gives a prescription to a pharmacist by telephone to furnish such prescription to such pharmacist in writing within 72 hours thereafter. (E) The possession of a barbiturate by any person, unless such person obtained such drug on the prescription of a practitioner or in accordance with Section 3 (A) 2. (F) The refusal to make available and to accord full opportunity to check any record or file, as required by Section 7. (G) The failure to keep records as required by Paragraph (A) or (B) of Section 6. (H) The using of any person to his own advantage, or revealing, other than to an officer or employee of the State Board of Pharmacy, or to a court when relevant in a judicial proceeding under this Act, any information required under the authority of Section 7, concerning any method or process which as a trade secret is entitled to protection. (I) Obtaining or attempting to obtain barbiturates by fraud, deceit, misrepresentation, or subterfuge; or

by the forgery or alteration of a prescription or of any written order; or by the concealment of a material fact; or by the use of a false name or the giving of a false address.

Approved: February 24, 1956.

Time: 3:30 P. M.

Act No. 156

H. 66—Perry, Vacca, Lackey

AN ACT

To ratify, confirm, approve and validate all individual annuity contracts, retirement income policies, or group annuity contracts issued to any municipal corporation, county, city or county board of education, or any state agency or institution of education, learning, training or correction, or for the delinquent, insane, sick, deaf, dumb, blind, needy, juvenile or aged, for the benefit of its officers and employees; to ratify, confirm, approve and validate all acts done and premiums paid under such contracts and policies; to repeal all conflicting laws; to provide that the invalidity or unconstitutionality of any provision or application shall not affect other provisions or applications of the Act; and to fix the effective date of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. All individual annuity contracts, retirement income policies or group annuity contracts issued to provide a retirement plan, or any one or more of them, which have heretofore been issued to any municipal corporation, county, city or county board of education, or to any state agency or institution of education, learning, training or correction, or for the delinquent, insane, sick, deaf, dumb, blind, needy, juvenile or aged, for the benefit of its officers and employees, or any portion of them, are hereby ratified, confirmed, approved and validated.

Section 2. All acts done and all premiums paid by any such municipal corporation, county, board, agency or institution in accordance with the terms of any such contract or policy are hereby ratified, confirmed, approved and validated.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. If any provision of this Act, or the application thereof to any officer, employee, municipality, county, board, agency or institution is held invalid or unconstitutional, the remainder of the Act and the application thereof to other officers, employees, municipalities, counties, boards, agencies and institutions other than those to which it is held invalid or unconstitutional shall not be affected thereby.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: February 24, 1956.
Time: 3:33 P. M.

Act No. 157

H. J. R. 50—Hanby

HOUSE JOINT RESOLUTION

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Standing Committee on Finance and Taxation of the Senate and the Standing Committee on Ways and Means of the House shall constitute a joint interim committee to make a study of the financial needs of the State's educational institutions, including the public schools, and to report their findings, conclusions, and recommendations to the Legislature on or before the third legislative day of the next session of the Legislature.

That the chairman of the Finance and Taxation Committee of the Senate shall be the chairman of the interim committee, and the chairman of the Ways and Means Committee of the House shall be vice-chairman of the interim committee; each member of the joint interim committee shall be entitled to receive his regular compensation and expenses for each day he shall be engaged on committee business.

That the chairman of the interim committee shall call the first meeting of the interim committee at 10:00 on the day following sine die adjournment of the current special session of the Legislature, and the interim committee shall function for a period of two weeks following the date of sine die adjournment of the current special session of the Legislature.

The committee shall hold such hearings, examine such witnesses, and take such evidence as may be necessary for the purpose of carrying out its duties. The committee is authorized and empowered to utilize the services, facilities, and personnel of any state agency or institution to assist them in the performance of their duties, and may inspect the books, records, papers, reports, and files of any state officer, agency, or institution for the purpose of gathering information relating to the subject of the committee's study.

Approved: February 24, 1956.
Time: 3:35 P. M.

Act No. 158

H. 145—Hanby

AN ACT

To provide for and fix the manner in which the Director of Conservation may execute oil, gas and mineral leases on all lands under the

jurisdiction of the Department of Conservation; to further provide for the manner in which the Director of Conservation may execute oil, gas and mineral leases on lands belonging to other State departments or agencies; to further provide for the manner in which lands or any rights of interest therein under any navigable streams or navigable waters, bays, estuaries, lagoons, bayous or lakes, and the shores along the navigable waters to high tide mark, and submerged lands in the Gulf of Mexico within the historic seaward boundary of this State, which is hereby declared to extend seaward six leagues from the land bordering the Gulf, may be leased and managed by the Director of Conservation; to provide for pooling and unitization agreements; to provide for the disposition of revenue derived from such leases; to provide for the Governor's approval for all such agreements, and to further provide for the repeal of all laws in conflict with the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Director of Conservation, on behalf of the State, is hereby authorized to lease any lands or interest therein under the jurisdiction of the Department of Conservation for the exploration, development and production of oil, gas and other minerals, or any one or more of them, on, in and under such lands.

Section 2. The Director of Conservation, on behalf of the State, is hereby authorized, upon the written request of the head of any State department, institution or agency, to lease any land or interest therein owned by such department, institution or agency or in which such department, institution or agency has the beneficial interest for the exploration, development and production of oil, gas and other minerals, or any one or more of them, on, in and under such lands.

Section 3. Any lease executed under the provisions of this Act may authorize the lessee to pool or unitize the lease, the lands or minerals covered thereby, or any part thereof, with other lands, leases or mineral estates or parts thereof upon such terms as the Director of Conservation may approve.

Section 4. The Director of Conservation, on behalf of the State, is hereby authorized to lease, upon such terms as he may approve, any lands or any right or any interest therein under any navigable streams or navigable waters, bays, estuaries, lagoons, bayous or lakes, and the shores along any navigable waters to high tide mark, and submerged lands in the Gulf of Mexico within the historic seaward boundary of this State, which is hereby declared to extend seaward six leagues from the land bordering the Gulf, for the exploration, development and production of oil, gas and other minerals, or any one or more of them, on, in and under such lands; and such lands or interests therein for such purposes shall be supervised and managed by the Department of Conservation.

Section 5. The Director of Conservation is hereby authorized to execute upon such terms as he may approve (a) pooling or unitization agreements affecting oil, gas and other minerals, or any one or more of them, on, in or under lands within the jurisdiction or management of the Department of Conservation so as to pool or unitize such interest in oil, gas and other minerals, or any one of them, with similar interest in other lands; and (b) agreements amending existing leases so as to authorize lessees to pool or unitize the leases, the lands or minerals covered thereby, or any part thereof, with other leases, lands or mineral estates or parts thereof. All pooling or unitization agreements, or agreements amending existing leases, or any part thereof, executed under the provisions of this Act by the Director of Conservation must be approved, in writing, by the Governor.

Section 6. All lands proposed to be leased under the provisions of this Act shall be leased only upon the basis of competitive bids. The Director of Conservation shall obtain written, sealed, competitive bids on every proposed lease of each tract of such land. Invitations for bids shall be published in a newspaper of general circulation in the State of Alabama, and in a newspaper of general circulation within the county or counties where the tract of land proposed to be leased is located, at least sixty (60) days before the final date for submitting bids. Invitations for bids shall contain a statement as to the final date for submitting bids; the time and place at which the bids will be opened; and a legal description, the location, and the approximate acreage of the tract of land proposed to be leased. Provided, that no tract of land containing more than five thousand two hundred (5,200) acres shall be leased or advertised for lease under the provisions of this Act. Bids shall be opened publicly in the office of the Director of Conservation at the time stated in the invitations for bids. The lease of any tract of land shall be awarded to the highest responsible bidder making the most advantageous offer to the state. Provided, that the Director of Conservation may reject all bids on any tract of land when, in his opinion, the public interest will be served thereby, but such tract of land shall not thereafter be leased except in accordance with the provisions of this Act.

Section 7. The revenues that shall accrue under the provisions of this Act, from rentals, royalties and all other sources, and subject to the cost of administration, shall be the property of the department or institution to which said lands belong or in which said department or institution shall own the beneficial interest. All revenue accruing from the lease of the bed of any navigable streams, waterways, bays, estuaries, lagoons, bayous, lakes, and any submerged lands in the Gulf of Mexico within the historic seaward boundary of this State, under the provisions

of this Act, subject to cost of administration, shall be paid by the Director of Conservation to the State Treasurer to become a part of the general funds of the State of Alabama. The Department of Conservation shall be entitled to five per cent of all revenues derived under the provisions of this Act as cost of administration. Such cost of administration shall be covered into the State Treasury by the Director of Conservation to the credit of either the State Lands Fund, the Forestry Fund or the State Parks Fund, as the Director deems appropriate and for the best interest of the Department.

Section 8. Act No. 825, H. 726, approved September 19, 1953 (Acts of Alabama, 1953, p. 1111) and all other laws or parts of laws, general, local or special, in conflict with the provisions of this Act are hereby repealed, but no such revenues shall be expended from such funds unless and to the extent appropriated by law.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved: February 24, 1956.

Time: 3:36 P. M.

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ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

SECOND SPECIAL SESSION OF 1956

HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
COMMENCING THURSDAY, MARCH 1, 1956

Vol. I



WITH INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

JAMES E. FOLSOM, Governor

W. G. (GUY) HARDWICK, Lieutenant-Governor

BROUGHTON LAMBERTH, President Pro Tem. of the Senate

RANKIN FITE, Speaker of the House

GEORGE C. HAWKINS, Speaker Pro Tem. of the House

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the second special session of the Legislature of Alabama and is the official publication of such acts.

MARY TEXAS HURT,
Secretary of State.

SKINNER PRINTING COMPANY
PRINTERS-BINDERS
MONTGOMERY, ALABAMA

GOVERNOR FOLSOM'S
MESSAGE TO THE LEGISLATURE
ON OPENING OF THE FIFTH SPECIAL SESSION

MARCH 1, 1956

MEMBERS OF THE HOUSE AND SENATE OF THE LEGISLATURE:

I heard your Lieutenant Governor say we are here upon call from the Governor again. I think that "again" is entirely appropriate. I think this is about my twentieth trip up here to speak to a joint session of the Alabama Legislature. And I can assure you it has been a great honor during the past years, and an humble privilege, because you have accomplished much and naturally I, as Governor, had joint accomplishments with you, and I wish to congratulate you. So, Governor Hardwick, I like that reference of "Again"!

As is my duty when an extraordinary occasion exists in Alabama, I have called you again into special session, as was previously agreed, to meet certain extraordinary occasions resulting from the situation concerning education. I have called you for an extraordinary occasion concerning the tensions arising between our good colored brethren and our white brethren. I have called you to consider other things of which ample study has been made, although it is not extraordinary, it is important as you have had these certain studies made, and I hope that you will give them your careful consideration.

Now, I wish there was time for me to give you a report of the Executive branch of the Government during the past year. I will briefly highlight you on some of our accomplishments — we increased the old age pension roll in Alabama by some forty thousand people, that was with your cooperation; and with your cooperation, this administration has been able to increase the teachers' salaries by \$600, the largest amount in the history of the state. We have increased the ABC profits; by cooperation and putting teeth in the enforcement laws, we have thereby increased the net income at the rate of approximately two million dollars a year over what it was when I came into office.

Many, many other things we have accomplished with your cooperation, but if I have the strength and power to push forward, I promise you a much better record during the next three years.

Now for the matters at hand. You know there is a difference in the budget of the General Education Fund. Your Interim Committee on Finance and Taxation and the House Committee on

Ways and Means have met jointly for the past two weeks, and I can tell you they have been a working committee. They have come up with a program and recommendations and bills have been drawn and will be introduced today which will make it possible for the educational system to continue nine months with a full \$600 a year salary increase. That is for this fiscal year ending October 1. That report of this Committee I concur in for it will give us the full nine months term this year, ending October 1. But it does not solve the problem of the financial year beginning October 1. So there is another recommendation that I have made that will fully take care of this. It is an income tax amendment equalizing corporation income tax with the maximum private individuals have to pay. It requires raising it from 3 per cent to 5 per cent and this, of course, has to be submitted to the people, to be voted on in August when we have a special election already set up. In the event the people approve it, of course, it will not be necessary to call you back into special session to take care of next year's finances for the schools. In the event it is defeated then we will have to make some extraordinary arrangements. There is a good argument for the 5 per cent for corporations as well as for individuals. The business men I have talked to outside of this state who are interested in Alabama, and the business men and industrialists inside this state, have said time and time again "We much prefer our profits, our net profits, to be taxed". I am not the first to say, I do not believe the patriotic business men of this state will want to pay less income tax than any individual. So, I heartily approve this amendment to the Constitution.

Number three in the call is for the Legislature to provide for a Bi-Racial Commission to alleviate differences between the colored people, so far as law and government is concerned, and white people. There is no use of my telling you that the difference between the races is fundamental and was made by God and nature. We have the problem of racial tension and I hope that you will create a Bi-Racial Commission by act, purely voluntary, to see if we can adjudicate these differences between our people down through the years to help keep the rough edges smoothed off. If so, I think all of us will be in a better position. There is no precedent for this on a state-wide basis. But there is on a local level. It is not original with me. I have had letters from all over the State and all over the South recommending such a Commission, and I hope that you will so create one.

Legislators, of course, depend on public support for their ability to return for another term to this Body. Since I was large enough to know what the Legislature was, I have heard the complaint about the daily pay of the members of the Legislature. Most states, and the Congress, have abandoned the daily pay

feature. It is my recommendation that this Legislature submit a constitutional amendment to the people putting the Legislature on an annual salary with annual expenses. Our Congress is well paid. The general public in Alabama never complains of the salaries its Congressmen are getting. It is never mentioned, and they are not being overpaid. They are the bulwark of our freedom, and are necessary to a free republic. Yet you, not only you, but your predecessors, even when getting \$4 a day and \$8 to \$10 a day, the main complaint about the Legislature that I always heard was how much money a day they were getting. So, I think it is to your interest and to the interest of freedom in general to go on an annual salary, because this is a necessary body for our freedom. I am one of the great believers in the Legislature — any man who has called them here as many times as I have, ought to be a believer in them, I tell you right now!

You know they say a political war is just one step beyond legislative or parliamentary debate, and that is true. I think that every war ever fought was fought over a political issue in the long run. It is much easier for us to pay our Congressmen in Washington to debate our issues than to have Congress, or have us, going to war against each other. It is more satisfactory for you to be paid a salary because you are busy all the year. It makes no difference whether the Legislature is in session or not, somebody is going to call on you to come down to Montgomery for something or to testify on some measure. It costs money to testify before some committee and stay two or three days. So, I heartily recommend an annual salary in keeping with the dignity and importance of your office, with adequate expenses attached thereto so that you may at any time go and testify for your community and your state without having to hold out your hand and hat for a little bit of alms and a little bit of expenses. So, I very much highly recommend such proposal.

Now, you have set up a committee on the gas and oil laws; it is an important committee. A study has been partially completed by this committee. They will have recommendations and bills introduced in this legislature. I wish and I hope that you will give them fair and careful consideration. And, in keeping with that, I will report to you on Mobile Bay oil leases. When I was Governor before an oil company paid \$35,000 for a 4-year lease on Mobile Bay. That lease has expired. They drilled two wells about seven thousand feet. Then the Citronelle Field came in. Naturally they became interested in Mobile Bay again. So, I recommended to the Conservation Department, and they carried it out — that Mobile Bay be set up in checker boards of five thousand acres. We would advertise the even checker boards and then advertise the odd checkerboards. We got bids on all

of them ranging from \$1500 to \$37,000. We leased seven 5,000 acre tracts for something above \$107,000—approximately 35,000 acres of land out of some 340,000 offered. We still have approximately 900,000 acres left. The reason I reserved these odd checker boards is because I wanted to gamble with the oil people. I thought if they discovered oil that the even checker boards right beside the odd checker boards would bring us in some real money and would probably reduce some of our taxes — and I am sure you would be for that. We leased 35,000 acres at a price per year more than we got for our 680,000 for four years. So, it is important that you consider these recommendations by the Oil and Gas Committee. There needs to be some changes and I concur in most of the recommendations they have made.

Today we are in a change. Naturally our government must stay in a change. My program presented to the people has practically been completed and I humbly thank you for your help. But we have got another regular session coming up next year, and the people of Alabama, of course, expect and want progress. They want progress out of this Legislature. The people will fuss and fume but after it is all over they will brag about the progress you have made. When you look back at the history of administrations of this state, you will find that the administrations that made the most progress are the most talked of administrations to this day. You will also find at the time they were making that progress, there was more controversy going on around that administration. So, in whatever progress we make, we share its scars but we also share the fruit. It is my wish that you have a program for the next regular session.

I have provided in my call here for the setting up of committees to study the three branches of government. Of course, the Executive branch is the largest. Naturally, that should need the largest committee. It will be up to this Legislature to finally work it out. For instance, I talked for a State University for Negroes when governor before. But it never did get out of the talking stage. I wish we could accomplish that. I wish we had it here now.

We have departments that are large. Necessarily in government there is a natural waste. In our judicial system there springs up hodgepodge circuits and courts. Some people say there needs to be a complete study of them. That is not in my realm. That is for you lawyers and legislators.

A lot of people think we need annual sessions of the Legislature. That is not necessary when I am governor, for we have an annual session! But I won't always be governor. Some people think the Legislature should be numbered, possibly half of them

elected every two years. It certainly won't hurt to study and compare with other states. So, I recommend that you set up these Interim Committees and I recommend, Mr. Speaker and Governor Hardwick, that these be working committees, if you please, to study—not to snoop. I didn't say anything about snooping committees. I think that by-and-large all of our departments are run on a high plane but I'm sure that savings and greater efficiency in government can be brought about. So, I recommend that, and I hope you will go ahead with it.

It has been recommended by some of the Interim Committees that both Houses go into one committee, a committee of both Houses, because the two Finance Committees have considered our educational needs already. I concur in that and believe it will expedite time.

Here is what we recommend: The Legislature immediately work on the budget to insure nine months school term; provide for an increase of corporation income tax to the maximum individuals pay, which is nothing but right, and I think every prominent industrialist in this state will agree to that rather than to remove sales tax exemptions; legislation providing for a Bi-Racial Commission; amendment to the Constitution providing for an annual legislative salary; certain oil and gas changes; create Interim Committees to study the three branches of the state government.

I thank you and God speed you.

ALABAMA LAWS

and Joint Resolutions

SECOND SPECIAL SESSION OF 1956

Act No. 1

H. 19—Fite

AN ACT

To propose an amendment to the Constitution of Alabama relative to the industrial development of Marion County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment of the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

“Any provision of the constitution or laws of the state of Alabama to the contrary notwithstanding, Marion County shall have full and continuing power and authority, without any election or approval other than the approval of its governing body, to do any one or more of the following:

“1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

“2. To lease, sell for cash or on credit, exchange, or give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

“3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

“4. To become a stockholder in any corporation, association, or company.

“5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

“6. To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein

as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the county or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county taxes are levied and collected. Such tax may be upon all property in Marion County or upon all property in any district the boundaries of which the governing body of such county shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To construct a dam or system of dams, and to acquire a site or sites therefor, on any public stream flowing within the county for the purpose of impounding waters to be used in irrigation projects, or in generating hydroelectric power, or in providing recreational facilities, or for other purposes, and to accept any funds by way of gift, grant, or loan from the federal government, or any agency or instrumentality thereof, for the purpose of constructing such dam or system of dams.

"9. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"10. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of Marion County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon the county.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant

to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes, or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of Marion County for the purpose of determining the borrowing capacity of such county under section 224 of the constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 215 of the constitution and all amendments thereto.

"This amendment shall be self-executing; but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth."

Section 2. An election upon the proposed amendment is ordered to be held on Tuesday, August 28, 1956, unless such day arrives before the expiration of three months from final adjournment of the current session of the Legislature, in which event the election shall be held on the same day as the general election in November 1956. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House March 7, 1956.

Passed the Senate March 13, 1956.

Act No. 2

H. 8—Oden, Solomon, Faulk, Boyd, Bassett,
Holliman, Gregory, Lee (Lawrence).

AN ACT

To transfer funds heretofore appropriated for Bangs' Disease Control and for prevention and control of diseases of swine by transferring

from amounts therein designated for expenditure for other expenses to amounts to be expended for salaries and equipment purchases to be expended for administration and enforcement of such livestock disease control programs during the fiscal years September 30, 1956 and September 30, 1957.

Be It Enacted by the Legislature of Alabama:

Section 1. For the remainder of the fiscal year ending September 30, 1956 and during the fiscal year ending September 30, 1957, funds heretofore appropriated for Bangs' Disease Control and diseases of Swine shall be transferred from amounts designated therein for expenditure of other expenses to amounts to be expended for the payment of salaries and to amounts to be expended for equipment purchases to the end that the following amounts may be expended in lieu of the amounts now designated for such purposes:

(22) For Bangs' Disease Control:

For Salaries	\$ 50,000.00
For other expenses	43,000.00
For equipment purchases	7,000.00
Total	<u>\$100,000.00</u>

(23) For Prevention and Control of
Diseases of Swine:

For salaries	\$ 50,000.00
For other expenses	46,000.00
For equipment purchases	4,000.00
Total	<u>\$100,000.00</u>

It is the intent and purpose of this Act that the foregoing amounts may be expended for the purposes designated therein in lieu of the amounts now designated for expenditures by Section 2, Paragraph X (Miscellaneous) Items (22) and (23) of Act No. 348 of the Legislature of 1955, the General Appropriations Bill for the fiscal years ending September 30, 1956 and 1957.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved March 15, 1956.
Time: 9:30 A. M.

Act No. 3

H. 58—Davis

AN ACT

Relating to Cullman County; fixing the compensation of the deputies to the sheriff of Cullman County; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The deputies to the sheriff of Cullman County shall receive the following compensation: the chief deputy sheriff shall receive a salary of not more than four thousand two hundred dollars (\$4,200.00) per annum; the deputy sheriffs shall receive a salary of not more than three thousand six hundred dollars (\$3,600.00) per annum. The salaries of such deputies to the sheriff shall be paid out of the general fund of the county in equal monthly installments, payable on the first day of each month, on warrants drawn by the judge of probate.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month succeeding its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 16, 1956.

Time: 11:55 A. M.

Act No. 4

H. 62—Haltom, Broadfoot

AN ACT

Relative to municipalities in this state having a population of not less than 23,000 and not more than 100,000 inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality

or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS. Wherever used in this act, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations: "Municipality" means any incorporated city in this state having a population of not less than 23,000 and not more than 100,000 inhabitants according to the last or any subsequent Federal decennial census; "Project" means any land and any building or other improvement thereon, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; "Governing body" means the board or body in which the legislative powers of the municipality are vested; "Mortgage" means a mortgage or a mortgage and deed of trust.

Section 2. LEGISLATIVE INTENT. It is the intent of the legislature by the passage of this act to authorize municipalities to acquire, own, and lease projects for the purpose of promoting trade by inducing commercial enterprises to locate in this state. It is intended that each project be self-liquidating. It is not intended hereby to authorize any municipality itself to operate any commercial enterprise. This act shall be liberally construed in conformity with the said intent.

Section 3. ADDITIONAL POWERS CONFERRED ON MUNICIPALITIES. In addition to any other powers which it may now have, each municipality shall have the following powers: (1) To acquire, whether by construction, purchase, gift or lease, one or more projects, which shall be located within this state and may be located within or without the municipality, or partially within or partially without the municipality, but which shall not be located more than fifteen miles outside of the corporate limits of the municipality; (2) To lease to others any or all of its projects for such rentals and upon such terms and conditions as the governing body may deem advisable and as shall not conflict with the provisions of this act; and (3) To issue revenue bonds for the purpose of defraying the cost of acquiring, by

construction and purchase, or either, any project, and to secure the payment of such bonds, all as hereinafter provided. No municipality shall have the power to operate any project as a business or in any manner except as lessor thereof.

Section 4. BONDS ISSUED TO FINANCE PROJECTS. All bonds issued by a municipality under authority of this act shall be limited obligations of the municipality the principal of and interest on which shall be payable solely out of the revenues derived from the leasing of the project to finance which the bonds are issued. Bonds and interest coupons issued under authority of this act shall never constitute an indebtedness of the municipality within the meaning of any state constitutional provision or statutory limitation, and shall never constitute nor give rise to a pecuniary liability of the municipality or a charge against its general credit or taxing powers, and such fact shall be plainly stated in the face of each such bond. Such bonds may be executed and delivered at any time and from time to time, may be in such form and denominations, may be of such tenor, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times not exceeding thirty years from their date, may be payable at such place or places, may bear interest at such rate or rates payable at such place or places and evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the governing body whereunder the bonds shall be authorized to be issued. The bonds issued hereunder shall be subject to the general provisions of law, presently existing or that may hereafter be enacted, respecting the execution and delivery of the bonds of a municipality and respecting the retaining of options of redemption in proceedings authorizing the issuance of municipal securities. Any bonds issued under the authority of this act may be sold at public or private sale in such manner and from time to time as may be determined by the governing body to be most advantageous, and the municipality may pay all expenses, premiums and commissions which the governing body may deem necessary or advantageous in connection with the authorization, sale and issuance thereof. All bonds issued under the authority of this act and all interest coupons applicable thereto shall be construed to be negotiable instruments, despite the fact that they are payable solely from a specified source.

Section 5. SECURITY FOR BONDS. The principal of and interest on any bonds issued under the authority of this act shall be secured by a pledge of the revenues out of which such bonds shall be made payable, may be secured by a mortgage covering

all or any part of the project from which the revenues so pledged may be derived, and may be secured by a pledge of the lease of such project. The proceedings under which such bonds are authorized to be issued or any such mortgage may contain any agreements and provisions customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting the fixing and collection of rents for any project covered by such proceedings or mortgage, the terms to be incorporated in the lease of such project, the maintenance and insurance of such project, the creation and maintenance of special funds from the revenues from such project, and the rights and remedies available in event of default to the bondholders or to the trustee under a mortgage, all as the governing body shall deem advisable and as shall not be in conflict with the provisions of this act; provided, however, that in making any such agreements or provisions a municipality shall not have the power to obligate itself except with respect to the project and the application of the revenues therefrom, and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers. The proceedings authorizing any bonds hereunder and any mortgage securing such bonds may provide that, in the event of default in payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings or mortgage, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues from the project in accordance with such proceedings or the provisions of such mortgage. Any such mortgage may provide also that, in the event of default in such payment or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed either by sale at public outcry or by proceedings in equity, and may provide that any trustee under such mortgage or the holder of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest bidder therefor. No breach of any such agreement shall impose any pecuniary liability upon a municipality or any charge upon its general credit or against its taxing powers.

Section 6. REQUIREMENTS RESPECTING LEASE. Prior to the leasing of any project, the governing body must determine and find the following: The amount necessary in each year to pay the principal of and the interest on the bonds proposed to be issued to finance such project; the amount necessary to be paid each year into any reserve funds which the governing body may deem it advisable to establish in connection with the retirement of the proposed bonds and the maintenance of the project; and, unless the terms under which the project is to be leased provide

that the lessee shall maintain the project and carry all proper insurance with respect thereto, the estimated cost of maintaining the project in good repair and keeping it properly insured. The determinations and findings of the governing body required to be made in the preceding sentence shall be set forth in the proceedings under which the proposed bonds are to be issued; and prior to the issuance of such bonds, the municipality shall lease the project to a lessee under an agreement conditioned upon completion of the project and providing for payment to the municipality of such rentals as, upon the basis of such determinations and findings, will be sufficient (a) to pay the principal of and interest on the bonds issued to finance the project, (b) to build up and maintain any reserves deemed by the governing body to be advisable in connection therewith, and (c) unless the agreement of lease obligates the lessee to pay for the maintenance and insurance of the project, to pay the costs of maintaining the project in good repair and keeping it properly insured.

Section 7. REFUNDING BONDS. Any bonds issued hereunder and at any time outstanding may at any time and from time to time be refunded by a municipality by the issuance of its refunding bonds in such amount as the governing body may deem necessary but not exceeding an amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any premiums and commissions necessary to be paid in connection therewith. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by exchange of the refunding bonds for the bonds to be refunded thereby; provided, that the holders of any bonds so to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable or, if they are called for redemption, prior to the date on which they are by their terms subject to redemption. Any refunding bonds issued under the authority of this act shall be payable solely from the revenues out of which the bonds to be refunded thereby were payable, and shall be subject to the provisions contained in section 4 of this act and may be secured in accordance with the provisions of section 5 of this act.

Section 8. USE OF PROCEEDS FROM SALE OF BONDS. The proceeds from the sale of any bonds issued under authority of this act shall be applied only for the purpose for which the bonds were issued; provided, however, that any accrued interest and premium received in any such sale shall be applied to the payment of the principal of or the interest on the bonds sold;

and provided, further, that if for any reason any portion of such proceeds shall not be needed for the purpose for which the bonds were issued, then such unneeded portion of said proceeds shall be applied to the payment of the principal of or the interest on said bonds. The cost of acquiring any project shall be deemed to include the following: The actual cost of the construction of any part of a project which may be constructed, including architect's and engineer's fees; the purchase price of any part of a project that may be acquired by purchase; all expenses in connection with the authorization, sale and issuance of the bonds to finance such acquisition; and the interest on such bonds for a reasonable time prior to construction, during construction, and for not exceeding six months after completion of construction.

Section 9. NO CONTRIBUTION BY MUNICIPALITY. No municipality shall have the power to pay out of its general funds or otherwise contribute any part of the costs of acquiring a project, and shall not have the power to use land already owned by the municipality, or in which the municipality has an equity, for construction thereon of a project or any part thereof. The entire cost of acquiring any project must be paid out of the proceeds from the sale of bonds issued under the authority of this act; provided, however, that this provision shall not be construed to prevent a municipality from accepting donations of property to be used as a part of any project or money to be used for defraying any part of the cost of any project.

Section 10. BONDS MADE LEGAL INVESTMENTS. Bonds issued under the provisions of this act shall be legal investments for savings banks and insurance companies organized under the laws of this state.

Section 11. EXEMPTION FROM TAXATION. The bonds authorized by this act and the income therefrom, all mortgages executed as security therefor, all lease agreements made pursuant to the provisions hereof, and all projects and the revenue derived from any lease thereof shall be exempt from all taxation in the state of Alabama.

Section 12. CONSTRUCTION OF ACT. Neither this act nor anything herein contained shall be construed as a restriction or limitation upon any powers which a municipality might otherwise have under any laws of this state, but shall be construed as cumulative; and this act shall not be construed as requiring an election by the voters of a municipality prior to the issuance of bonds hereunder by such municipality.

Section 13. NO NOTICE OR PUBLICATION REQUIRED. No notice to or consent or approval by any governmental body

or public officer shall be required as a prerequisite to the sale or issuance of any bonds or the making of a mortgage under the authority of this act.

Section 14. SEVERABILITY. If any section, clause, provision or portion of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this act which is not in and of itself unconstitutional.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 16, 1956.

Time: 3:30 P. M.

Act No. 5

H. J. R. 11—Nolen, Boyd

HOUSE JOINT RESOLUTION

WHEREAS, the Alabama YMCA Youth Legislature is planning to have its Eighth Annual meeting in the Hall of the House of Representatives and Senate Chamber, as it has previously done for the seven preceding sessions, beginning on Thursday, April 5, 1956 and ending Saturday, April 7, 1956.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that if the Legislature is in session, it will adjourn during the time the Youth Legislature is in session.

Approved: March 16, 1956.

Time: 3:31 P. M.

Act No. 6

H. J. R. 12—Tyson, Kendall, Nolen, Nice

HOUSE JOINT RESOLUTION

WHEREAS, March 9, 1956, marks the 100th anniversary of the Sigma Alpha Epsilon Fraternity and

WHEREAS, this Fraternity was founded on the campus of the University of Alabama, at which place appropriate ceremonies will be held on March 8th, 9th and 10th commemorating this event.

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that the Legislature of Alabama extend its best wishes to the Sigma Alpha Epsilon Fraternity upon its centen-

nial and its delegates assembled from all over the United States to join in commemorating this event.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to Edward G. Hathcock of Beverly Hills, California, the national president, and to the fraternity chapters at the University of Alabama, Alabama Polytechnic Institute, and Birmingham Southern College.

Approved: March 16, 1956.

Time: 3:32 P. M.

Act No. 7

H. J. R. 13—Richardson, Ramey

HOUSE JOINT RESOLUTION

WHEREAS the one-variety cotton improvement club of the Stewart Community of Hale County was named state winner in the 1955 cotton improvement contest sponsored by the Alabama-Florida Cottonseed Products Association and the Alabama Cotton Manufacturers Association, with the assistance of the Alabama Extension Service;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. That the members of the Legislature do hereby congratulate the members of the Stewart Community of Hale County, for their achievement in being named state winner in the contest among one-variety cotton improvement clubs, and commend the members of the Stewart Community, not only for their efforts toward the improvement of cotton production, but also for their outstanding example of the beneficial results which may be attained in a community through concerted community action.

2. That the Clerk of the House of Representatives transmit copies of this resolution to each of the following: Mr. F. S. Whitfield, president of the community organization; Mr. M. W. Mayfield, vice president; Mr. W. W. Duncan, treasurer; Mr. W. W. Martin, former president; Mr. James Clary, president of the community improvement club; Mr. F. O. Clary, former treasurer and vice president of the community improvement club; and Mr. John Devours, county farm agent for Hale County.

Approved: March 16, 1956.

Time: 3:33 P. M.

Act No. 8 H. J. R. 15—Gilchrist, Lee (Lawrence), Brewer, Gist, Hunt, Nice, Law, Edwards (Escambia), Brassell, Money, Wood, Ramey, McClen- don, Hanby, Vacca, Martin, Fer- rell, Goodwyn, Ashworth, Brad- ford, Tyson, Shumate, Branyon, Stembridge, Harrison, Roberts, Simon, Faulk, Cornett, Lackey, Solomon, McLendon, Boyd, Hall, Edwards (Jefferson), Kaul, Win- dle, Huddleston, Gregory, Adams, Brown (Lamar), Kelly, Meeks, Holliman, Cox, Love, Callahan, McKay, Davis, McNider, Kil- lough, Harvey, Mathison, Perry, Haltom, deGraffenried, Reynolds, Lee (Barbour), Thomas, Locke (Perry), Richardson, Pruitt, Jen- kins, Johnson (Elmore), Kirk- ham, Taylor, Grouby, Brooks, Hain, Hodges, Steagall, Broad- foot, Johnson (Tallapoosa), Payne, Albea, Franklin, Hare, Bassett, Fite, Oden, Locke (Choc- taw), Oakley, Kendall.

HOUSE JOINT RESOLUTION

WHEREAS the cotton allotment program, as it is now being administered, is creating undue and extreme hardship upon individual cotton farmers in this State, and is causing reductions in many cases up to and in excess of 50 per cent of normal cot- ton acreage on individual farms in Alabama; and

WHEREAS the national reduction in cotton acreage, since the free-planting year of 1953, has only been about 28 per cent, but this State has taken reductions drastically in excess of that amount for that period, and many individual farms and farmers have taken reductions in excess of the state reductions, per- centage-wise, and these reductions are in many instances in excess of twice the percentage reduction for the nation as a whole, and almost all Alabama farms have taken reductions in excess of 28 per cent; and

WHEREAS these reductions have caused, and will continue to cause, wholesale financial distress upon the entire agricultural economy of this State, and as a result of this unwarranted and unnecessary financial distress many farmers have been, and

will continue to be, forced off their land, others will be forced on relief, and those remaining can expect little more than a bare existence; and

WHEREAS our farmers see the need for, and do support, a reasonable and sensible cotton acreage program, and are and have been willing to take reductions up to and even slightly in excess of the national average reduction, providing that the said reduction is not so drastic as to cause an obviously impossible situation of economic distress on their farms, and wholesale unemployment to those depending upon the production of cotton for the use of their labor; and

WHEREAS the numerous severe cases of individual hardship brought about by these drastic reductions in cotton acreage have caused a state of emergency throughout the entire cotton industry in Alabama; and

WHEREAS immediate relief is mandatory if our cotton farmers are to avoid wholesale bankruptcy this year, and the resulting disastrous effect upon the entire economy of this State; and

WHEREAS it is the belief of this body that the reductions imposed upon the individual farms and farmers of this State should not be in excess of the national average reduction, percentage-wise, based upon some normal free-planting year or years; and

WHEREAS this body has been informed of, and is aware of, the various bills to freeze cotton acreage allotments, which have been introduced in the Congress by various members of our Alabama delegation, and does hereby endorse these bills separately and severally, in the main, as stop-gap measures, until such a time as more equitable long-range legislation can be made the law of the land; and

WHEREAS we do deem these various bills to freeze cotton acreage allotments, severally and separately, to be the most important legislation known to be before the Congress of the United States at this time, in so far as the cotton farmers of the State of Alabama are concerned, and we can see no sufficient relief in any so-called "major" proposed legislation before the Congress, in so far as the small farmer of our State, whose income primarily results from the sale of his labor through his cotton crop, is concerned; and

WHEREAS we can see no justification for the extreme cases of individual hardship forced upon our cotton farmers, their employees, and other related businesses, by the inequitable administration of the cotton allotment program; and

WHEREAS the loan purchase program of the federal government, as related to cotton, historically has been a profitable institution of the government, and at the present time is reported to show a net profit in excess of two hundred million dollars, and, therefore, this body feels that the administration of the cotton acreage control program has overlooked the rights and necessities of our individual cotton farmers, who are a low income, hardworking, and important segment of the national population, and a group whose love of the land and patriotism are unsurpassed in this great country; and

WHEREAS we do feel and understand that the real and damaging competition to our Alabama cotton farmers lies not, primarily, in our neighboring states of these United States and the cotton that they produce, but in foreign peoples, who have been established in the cotton business in recent years by American capital, American technique, American know-how, American machinery and equipment, and, by and large, with the support and influence of our government's foreign policies; and

WHEREAS we realize that our people are being and have been penalized by these unintelligent foreign policies pertaining to cotton, which policies for years have been dominated by the interests of large American cotton corporations, which have invested vast sums of American money in foreign countries, buying lands, developing irrigation projects, building cotton gins, and developing the cotton industry in these foreign countries, and thereby putting cheap foreign labor in direct competition with our American cotton farmers, who historically have brought billions of dollars of foreign money into this country through the sale of their cotton abroad; and

WHEREAS this same foreign policy is demanding that these hard-working, low income, and patriotic citizens, who have supplied this country with the cotton it needed to fight three major wars, at a price far less than the world market existing at that time, be forced out of business, in return for the contribution which they have made toward the growth and security of this country while making little more than a meager living, and asking no more than to be allowed to earn their living in the manner and way which tradition has taught them; and

WHEREAS we do not believe that the cotton acreage program as it is now being administered is in keeping with the democratic principles upon which this country is founded, and we do not believe and cannot subscribe to a program which manifests the inequities known to exist in this State, with respect to individual farms and farmers and their cotton acreage allotments; and

WHEREAS we do believe that when these inequities are made known to the entire body of the Congress of the United States, the members of that body will, in their infinite wisdom, take immediate steps to correct these inequities, and will pass legislation which will enable all sound, prudent, and efficient, cotton farmers at least to obtain a fair and reasonable return from their lifelong investments, and from the use of their labor as they have been trained to do; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That the members of the Legislature do see the immediate need for, and hereby respectfully request, the Congress of the United States to enact long-range legislation which will correct the individual inequities which do now exist in great numbers in this State, which will allow our Alabama cotton farmers to exist at least on a reasonable and sound economic basis in the continued production of cotton, and which will protect the needs of the farmer whose chief income is the sale of his labor through his crops.

BE IT FURTHER RESOLVED, That the Legislature of Alabama respectfully petitions the Congress of the United States to give this legislation the high priority which it merits, because of its importance upon the economy of this entire State; and that the Legislature does hereby request each friend of the cotton farmer in Congress actively to seek and secure the immediate passage of some adequate legislation as indicated by the extreme emergency existing in this State at this time.

BE IT FURTHER RESOLVED, That the entire Alabama delegation be commended for their efforts, and for the legislation which they have introduced in attempting to halt this ruinous trend; and that they, both individually and jointly, are requested to seek and secure, before cotton-planting time in this State this year, the passage of some one of the pending bills, which will at least alleviate to some degree the emergency that exists in this State today, and, in the event such legislation is not immediately forthcoming, that the entire delegation from this State, both individually and jointly, secure from the Speaker of the House of Representatives, the President Pro-Tem of the Senate, and the majority and minority leaders of both Houses, the assurance that is necessary to inform the cotton farmers of this State that such legislation will be forthcoming, and that this be done immediately so that said information will be known before planting time, which is shortly upon us in this State.

BE IT FURTHER RESOLVED, That the Clerk of the House of Representatives transmit at once certified copies of this reso-

lution to each and every member of the Congress of the United States and to the President of the United States, so that they may be informed of the great emergency which now exists in the State of Alabama.

Approved: March 16, 1956.
Time: 3:34 P. M.

Act No. 9

S. J. R. 5—Dyar

SENATE JOINT RESOLUTION

Whereas state funds for the support of vocational education are limited, and are not sufficient to provide the facilities and equipment necessary to administer this program at a level commensurate with its importance to our people, and

Whereas the federal government already appropriates certain funds for the promotion of vocational education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. That the Congress of the United States is hereby memorialized and petitioned to enact legislation expanding the program of federal grants in aid of vocational education in agricultural, industrial, and home economics subjects, so as to include within this program the granting of additional federal funds which might be used by the States to provide suitable buildings, equipment, and facilities for use in connection with the teaching of such subjects in the public schools.

2. That duly authenticated copies of this resolution be transmitted by the Secretary of the Senate to the Speaker of the House of Representatives of the United States, the President of the United States Senate, and each member of the Alabama delegation in the United States Congress.

Approved: March 16, 1956.
Time: 3:36 P. M.

Act No. 10

S. J. R. 7—Flowers

SENATE JOINT RESOLUTION

Resolved by the Senate, the House concurring, that H. J. R. 12 shall be known and designated as the Tyson, Kendall, Nolen, Nice, Flowers and Engelhardt resolution.

Approved: March 16, 1956.
Time: 3:40 P. M.

Act No. 11

H. 1—McClendon (Chambers), Hunt

AN ACT

To empower Chambers County, Alabama to provide for, regulate, and restrict in the unincorporated portions of the county outside of the City Limits of incorporated municipalities the use and construction of buildings, structures and land for trade, industry, and residence; to establish setback lines for buildings and structures along the roads and streets; to prescribe certain duties and functions of county planning commissions; to provide for county boards of zoning adjustment and define the authority, powers, and functions of such boards, their procedure and appeals from their decisions; and to provide remedies for the enforcement of ordinances, resolution, and regulations made by such county under authority of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. GRANT OF POWER. For the purpose of promoting health, safety, morals, or the general welfare of the county, the governing body of Chambers County, Alabama (herein called the "county") is hereby empowered to regulate and restrict in the unincorporated portions of the county, except those areas within a municipal police jurisdiction which are subject to the authority of the municipal governing body as to powers similar to those vested by this Act in a county governing body, the use and construction of buildings, structures, and land for trade, industry, and residence; and to establish setback lines for buildings and structures along the roads and streets.

Section 2. Districts. For any or all of said purposes the governing body of the county may divide the unincorporated portions of the county into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this Act; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings and structures, and the use, conditions of use, or occupancy of land; and pursuant to such action may adopt an official zoning resolution or order, including a map or maps, indicating the districts and regulations established. All such regulations shall be uniform for each district, but the regulations in one district may differ from those in other districts.

Section 3. PURPOSES IN VIEW. Such regulations shall be made in accordance with a comprehensive plan and designed for the purposes, among others, of lessening congestion in the roads and streets; protecting the development of both urban and non-urban areas; securing safety from fire and other

dangers; providing adequate light and air; promoting the health and general welfare; encouraging such distribution of population and such classification of land uses as will tend to facilitate economical development of adequate provisions for transportation, water supply, drainage, sanitation, education, recreation or other public requirements; conserving and developing the natural resources; fostering the State's Agricultural and other industries; protecting the food supply. Such regulations shall be made with reasonable considerations, among others, to the character of the district and its peculiar suitability for particular uses, and with a general view to conserving property values, including the tax base, securing economy in governmental expenditures, and encouraging the most appropriate use of land in the county.

Section 4. METHOD OF PROCEDURE. The governing body of the county may, by resolution or order, exercise the powers granted to it in Section 1 of this Act, for the entire unincorporated portion of the county, except in incorporated municipal areas and the police jurisdiction thereof, as provided in Section 1 of this Act. Before enacting any such resolution or order, the governing body shall hold a public hearing thereon, at least fifteen (15) days' notice of which shall be published in a newspaper of general circulation within the county. Such publication shall include the time and place of said hearing, but shall not be required to include the text or further description of said resolution or order if the county has already taken action in accordance with Section 5 of this Act. No change in, or departure from the text or maps of the zoning resolution or order shall be made, unless such change or departure receive the favorable vote of a majority of the entire membership of the governing body. All such resolutions or orders, including maps, and all amendments, supplements, changes, modifications and repeals of such resolutions or orders shall be filed in the office of the Judge of Probate of the County, and shall there, as well as in the offices of the governing body of the county, be open to public inspection, free of charge.

Section 5. PLANNING COMMISSION. In availing itself of the powers conferred by this Act, the governing body of the county shall be authorized to establish a planning commission, or may designate any existing planning commission, which shall prepare and transmit to the government body a zoning plan, including the full text of a recommended ordinance and maps. If a planning commission has been established, said commission shall prepare a preliminary plan and hold a public hearing thereon, preceded by one week's notice of the time and place of said hearing published in a newspaper of general circulation in the county, before transmittal of the plan to the governing body and

said governing body shall not hold its public hearings or take action until it has received the zoning plan from the planning commission.

Section 6. CHANGES. Such regulations, restrictions, and boundaries, and resolutions or orders passed under the authority of this article, may from time to time be amended, supplemented, changed, modified, or repealed. The provisions of Section 4 of this Act relative to public hearings and official notices and recording shall apply equally to all changes and amendments.

Section 7. COOPERATION. In the exercise of powers conferred by this Act, the planning commission of the county shall have authority to cooperate with the planning commissions of other counties, cities, or towns, either within or without such county, and with municipal authorities, with a view to coordinating and integrating the zoning program; and to appoint such committee or committees, and adopt such rules, as may be thought proper to effect such cooperation.

Section 8. BOARD OF ADJUSTMENT. In availing itself of the powers conferred by this Act, the governing body of the county shall provide for the appointment of a board of zoning adjustment and may provide that the said board of adjustment shall, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning resolution or order in harmony with the general purposes and intent of the ordinance and in accordance with general or specific rules in such resolution or order applicable to special exceptions. The board of adjustment shall consist of five members, each to be appointed for a term of three years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The board shall adopt rules in accordance with the provisions of any resolution or order adopted pursuant to this Act. Meetings of the board shall be held at the call of the chairman, and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the governing body of the county or its administrative officer.

Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the board all papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by attorney. The board of adjustment shall have the following powers: (1) to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this act, or of any resolution or order adopted pursuant thereto; (2) to hear and decide special exceptions to the terms of the ordinances upon which such board is required to pass under such resolution or order; (3) to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the resolution or order will result in unnecessary hardship, and so that the spirit of the ordinances shall be observed and substantial justice done. In exercising the above mentioned powers such board may, in conformity with the provisions of this Act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and, to that end, shall have the powers of the officer from whom the appeal is taken. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such resolution or order, or to effect any variation in such resolution or order. The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called on by such writ. The return shall con-

cisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

Section 9. APPEALS. Any party aggrieved by any final judgment or decision of such board of zoning adjustment, may within fifteen days thereafter appeal therefrom to the circuit court or court of like jurisdiction, by filing with such board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal such board shall cause a transcript of the proceedings in the cause to be certified to the court to which the appeal is taken and the cause in such court be tried de novo.

Section 10. BUILDING COMMISSIONER. The governing body of any county may provide for the enforcement of county zoning resolution or order and regulations by means of the withholding of building permits and, for such purpose, may establish and fill a position of county building commissioner and may fix the compensation attached to said position. Such position shall be subject to the provisions of any merit system or civil service law in effect in such county from and after the establishment of such position and the filing of same, it shall be unlawful to erect, construct, reconstruct, alter or use any building or other structure without obtaining a building permit from such county building commissioner, and such building commissioner shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conform to all zoning resolutions or orders and regulations then in effect.

Section 11. REMEDIES. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Act or of any resolution or order or other regulation made under authority conferred hereby, the proper local authorities of the county, or any interested citizen, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

Section 12. NON-CONFORMING USE. The lawful use or occupation of any building, land, or premises existing at the time of the adoption by the governing body of the county of the zoning resolutions or order or regulation, although such use or occupation does not conform to the provisions thereof, may be continued; but if such non-conforming use or occupation is dis-

continued for a period of one year, any future use; or occupation of such building, land or premises shall be in conformity with the provisions of the established resolution or order and regulations. The governing body may adopt such further regulations and amplifications, not contrary to law, as it may deem desirable or necessary to regulate and control non-conforming uses and occupations.

Section 13. CONFLICT WITH OTHER LAWS. Wherever the regulations made under authority of this Act require a greater width or size of yards, lots, or courts or other open spaces, or require a lower height of buildings or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or regulation, the provisions of the regulations made under authority of this Act shall govern. Whenever the provisions of any other statute of regulation require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings, or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Act, the provisions of such statute or regulations shall govern.

Section 14. SAVING CLAUSE. If any section, clause, provision, or portion of this Act shall be held to be invalid or unconstitutional by any court, of competent jurisdiction, such holding shall not affect any other section, clause, or provision, or portion of this Act which is not in and of itself invalid or unconstitutional.

Section 15. REFERENDUM CLAUSE. The governing body of Chambers County shall provide for the holding of a referendum election after giving due notice of the date of said referendum and the question to be voted on will be whether this Act shall become effective or not.

Section 16. TIME OF TAKING EFFECT. This Act shall take effect upon its passage and approval by the Governor or upon its otherwise becoming a law, and having been approved by a majority of the votes cast at the Referendum election provided for by Section 15 above.

Approved: March 16, 1956.

Time: 3:42 P. M.

Act No. 12

H. 17—Brown (Lamar)

AN ACT

To alter, rearrange and extend the corporate limits of the Town of Sulligent, Lamar County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the town of Sulligent, Lamar County, Alabama, be altered, rearranged and extended to include the following territory:

The NW $\frac{1}{4}$ of NW $\frac{1}{4}$, the S $\frac{1}{2}$ of NW $\frac{1}{4}$, the N $\frac{1}{2}$ of SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28; The E $\frac{1}{2}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Section 29; The SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30; the NE $\frac{1}{4}$ of Section 31; The NE $\frac{1}{4}$, the NW $\frac{1}{4}$, the N $\frac{1}{2}$ of SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32; the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 33; all in Township 13 South, of Range 15 West of Huntsville Meridian, in Lamar County, Alabama.

Section 2. That all laws and parts of laws, general, special and local, in conflict with this Act be and the same are hereby repealed.

Section 3. This Act shall go into effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 16, 1956.

Time: 3:45 P. M.

Act No. 13

H. 20—Goodwyn, Hall, Dawkins, Nolen

AN ACT

To alter or rearrange the boundary lines of the City of Montgomery, Alabama so as to include within the corporate limits of said City territory not already included therein.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, County of Montgomery and State of Alabama be and the same are hereby altered and rearranged so as to include within the corporate limits of said City all of that territory lying within the County of Montgomery and included in the following boundaries:

Beginning at a point on the present boundary line of the City of Montgomery formed by the intersection of the West line of Fisk Road and the South line of Section 28, T. 16N, R. 18E;

Thence along and with said South line of said Section 28 to the point where Sections 27, 28, 33 and 34, all in T. 16N, R. 18E corner;

Thence North 00 degrees 16 minutes East along and with the East line of said Section 28 a distance of 816.4 feet;

Thence North 88 degrees 05 minutes West a distance of 1092.5 feet;

Thence South 08 degrees 18 minutes West a distance of 401.4 feet;

Thence North 84 degrees 53 minutes West a distance of 598.75 feet to a point on the East side of Fisk Road, which point is North 31 degrees 58 minutes East a distance of 579.1 feet (along said East side) from the intersection of the South line of said Section 28 and the East line of said Fisk Road;

Thence continuing West and parallel with the South line of said Section 28 to a point on the West line of said Fisk Road.

Section 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 3. That this Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved: March 16, 1956.

Time: 3:46 P. M.

Act No. 14

H. 43—Cox

AN ACT

To authorize the County Board of Education of Marshall County, Alabama, to approve and authorize the payment of reasonable and necessary traveling expenses incurred by the Superintendent of Education for Marshall County, Alabama, to authorize payment on a mileage basis for the use of his personal automobile in the performance of his official duties, and to prescribe the procedure for payment therefor, to provide that the allowance of such traveling expenses shall not affect the amount of compensation now being paid to him for his salary as is now provided for by law, to repeal all laws or parts of laws in conflict with the provisions of this Act insofar as they relate to Marshall County, and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Board of Education of Marshall County, Alabama, shall approve and authorize the payment of all reasonable and necessary traveling expenses incurred by the Superintendent of Education for Marshall County, Alabama, in the performance of his official duties within and without said county. Where said superintendent uses his own automobile in the performance of his official duties said County Board of

Education shall approve and authorize payment to said Superintendent of Education on a mileage basis for each mile his personal automobile is used in the performance of his official duties within and without said county. Before such payments shall be approved or authorized, said Superintendent of Education shall present to said County Board of Education his sworn, itemized statement of such traveling expenses and shall therein certify as to the number of miles he used his personal automobile in the performance of his official duties. Provided further that the allowance of all reasonable and necessary traveling expenses incurred by said Superintendent of Education shall not affect the amount of compensation now being paid to him for his salary as is now provided for by law, and provided further that the mileage shall be the same as that being then paid by the State of Alabama for use of private cars to transact business for the State of Alabama.

Section 2. All laws or parts of laws in conflict with the provisions of this Act insofar as they relate to Marshall County are hereby repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 16, 1956.
Time: 3:48 P. M.

Act No. 15

H. 49—Dawkins, Hall, Goodwyn, Nolen

AN ACT

To alter, rearrange and extend the boundary lines of the City of Montgomery, Alabama, so as to include within the corporate limits of said City certain territory not already included therein and located in Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in the County of Montgomery, and State of Alabama, be and the same are hereby altered and extended, so as to include within the corporate limits of said City all of the following described additional territory lying within the County of Montgomery, and not presently included in the boundaries of said City, to-wit:

All that part of the Northeast Quarter of the Northeast Quarter of Section 31, Township 16 North, Range 18 East, Montgomery County, Alabama, lying North of the public highway known as the Southern By-Pass Highway; and all that part of Section 32, Township 16 North, Range 18 East, Montgomery

County, Alabama, lying West of Narrow Lane Road, North of the North right-of-way line of the Southern By-Pass Highway and South of the present City Limits.

Section 2. That all laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this Act shall take effect October 1, 1956.

Approved: March 16, 1956.

Time: 3:50 P. M.

Act No. 16

H. 2—McClendon, Hunt

AN ACT

To provide for county planning in Chambers County, Alabama; the creation and powers of a county planning commission in such county; the personnel, powers, duties, and functions; their financial and legal status; the regulation of the subdivisions of land and in the unincorporated territories of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS: For the purposes of this Act certain terms are defined as provided in this Section. Wherever appropriate, the singular includes the plural and the plural includes the singular. "Governing body" means the chief legislative body of a county. "Municipality", "Municipalities" or "Municipal" includes or relates to cities and other incorporated political subdivisions. "Council" means the chief legislative body of a municipality, whether designated council, commission, board of aldermen, or by other title. "Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, tracts, or other division of land for the purpose, whether immediate or future, of sale or of building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to land or territory subdivided. "County" means Chambers County, Alabama.

TITLE 1. COUNTY PLANNING AND PLANNING COMMISSIONS

Section 2. GRANT OF POWER TO COUNTIES: Chambers County, Alabama, is hereby empowered to make, adopt, amend, extend, add to, and carry out a County Master Plan as provided in this Act and create by ordinance or resolution a County Planning Commission with the powers, duties and functions herein set forth. For the purposes of this Act, "County Planning Commission" shall include planning commission and/or commission.

Section 3. PERSONNEL OF THE COMMISSION: The commission shall consist of nine members, all to be appointed by the county governing body. The terms of appointed members shall be three years, except that the terms of six of the members first appointed shall be — three for one year — three for two years; with all such short first term appointees being eligible for reappointment at the expiration of such one and two year terms. All members of the commission shall serve as such without compensation; and no appointed member shall hold any public elective office. The members of the commission shall be residents of the county. The county governing body shall provide for the filling of any vacancy in the membership of the commission for the unexpired term and for the removal of a member for nonperformance of duty or misconduct.

Section 4. ORGANIZATION AND RULES: The commission shall elect its chairman from among the appointed members and create and fill such other offices as it may determine. The term of the chairman shall be for one year with eligibility for re-election. The commission shall hold at least one regular meeting in each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations which records shall be a public record.

Section 5. STAFF AND FINANCES: The commission may employ such staff as it may deem necessary to carry on its work, said staff to be subject to the provisions of any civil service act in force in such county. The commission may also contract for the services of planning and other experts and pay such other expenses as may be deemed necessary for carrying out the powers herein conferred and the duties and functions herein prescribed, but not in excess of such sums, exclusive of gifts, as shall be appropriated by the governing body of such county for such purposes. The county governing body is hereby authorized to appropriate such funds to the County Planning Commission as it deems advisable; and to furnish the equipment and accommodations necessary for its work.

Section 6. GENERAL POWERS AND DUTIES AND FUNCTIONS: It shall be the duty and function of the commission to make a master plan and to adopt such master plan as the official master plan for the development of the unincorporated territory of the county. The chief legislative body of any municipality may designate the County Planning Commission of the county in which such municipality is located, as the planning commission of such municipality, and thereafter the County Planning Commission shall have the same power regarding the planning of the municipality, and its plans and regulations shall

have the same legal status as are given to official municipal planning commissions and plans in Sections 786-808 of the Code of Alabama, as amended. The master plan shall not be deemed the official master plan or part of the official master plan of any municipality unless adopted by the municipal planning commission and/or governing body thereof. Such master plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the planning commission's recommendations for the development of the territory covered by the plan, and may include, among other things, the general location, character and extent of roads, viaducts, bridges, waterways and waterfronts, boulevards, parkways, squares, parks, aviation fields, and other public ways, grounds and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or the extension of any of the forgoing ways, grounds, open spaces, buildings, property, utilities and terminals; the general character, location and extent of community centers, town sites, or housing developments; the general location and extent of forests, agricultural areas and open-development areas for purposes of conservation, food and water supply; sanitary and drainage facilities, or the protection of urban and non-urban development; a land classification and utilization program and zoning plan for the regulation and restriction of the height, number of stories, and size of buildings and other structures; the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings and structures, and the use, conditions of use, or the occupancy of land for trade, industry, residence, recreation, agriculture, grazing, water conservation, forestry, or other purposes; the establishment of setback lines for buildings and other structures along the streets and roads. As the work of making the whole master plan progresses, the commission may, from time to time, adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the county or one or more aforesaid functional matters to be included in the plan. The commission may from time to time amend, extend, or add to the master plan.

Section 7. PURPOSES IN VIEW: In the preparation of such master plan, the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of such county with due regard to its relation to neighboring territory. The master plan shall be made with general

purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the county which will, in accordance with present and future needs and resources best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, such distribution of population and of the uses of land for urbanization, trade, industry, habitation, recreation, agriculture, forestry, and other purposes, as will tend to create conditions favorable to health, safety, transportation, prosperity, civic activities, and recreation, educational, and cultural opportunities; will tend to reduce the waste of physical, financial, or human resources which result from either excessive congestion or excessive scattering of population; and will tend toward an efficient and economic utilization, conservation, and production of the supply of food and water, and of drainage, sanitary, and other facilities and resources.

Section 8. PROCEDURE OF COMMISSION: The commission may adopt the master plan as a whole by a single resolution or may, by successive resolution, adopt successive parts of the plan as provided in Section 6, hereof, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition, the commission shall hold at least one public hearing thereon, notice of time and place of which shall be given by one publication in a newspaper of general circulation in the county. The adoption of the plan or of any such part, amendment, extension, or addition shall be by resolution carried by the affirmative votes of a majority of the members of the commission, and such resolution shall refer expressly to the maps and descriptive and other matter intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the chairman and/or secretary of the commission. An attested copy of the plan or part thereof shall be certified to the governing body of the county, to the Judge of Probate, and to the planning commissions of each municipality within the county.

Section 9. LEGAL STATUS OF OFFICIAL MASTER PLAN: Whenever the commission shall have adopted a master plan as the official master plan of the county or of one or more major sections or districts thereof, no public utility facility, whether publicly or privately owned, no public park or other recreation area, no public building or other public structure, no public road, and no other public works shall be authorized or constructed in the unincorporated territory of the county or in such planned section and district, until the location, character, and extent thereof shall have been submitted to and approved by the commission, which shall be guided by the provisions of the

official master plan in making its decision; provided, however, that in case of disapproval, the commission shall communicate its reasons to the governing body, which shall have the power to overrule the disapproval by a recorded vote of not less than a majority of its entire membership; provided further, however, that if the public utility facility, public park or other public recreation area, public building or other structure, public road, or other public work be one the authorization or financing of which does not, under the law of charter provisions governing same, fall within the province of said county governing body, then the submission to the planning commission shall be by the board, commission or body having such jurisdiction, and the planning commission's disapproval may be overruled by said board, commission, or body by a vote of not less than a majority of its membership. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, or sale or lease of any public utility facility, whether publicly or privately owned, public park or other public recreation area, public building or other public structure, public road or other public works, shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the commission to act within sixty days from and after the date of official submission shall be deemed approval.

Section 10. MISCELLANEOUS POWERS AND DUTIES OF THE COMMISSION: The commission shall have power to promote public interest in and understanding of the master plan and to that end may publish and distribute copies of the plan or any part thereof or any report relative thereto and may employ such other means of publicity and education as it may determine. The commission shall have the power and duty to promote the cooperation of planning commissions of municipalities within the county and the coordination of the plans of such municipalities with the county plan. Members of the commission and of its staff, when duly authorized by the commission, may attend planning conferences or meetings of planning institutes or hearings upon pending legislation, and the commission may, by resolution, spread upon its minutes, pay the reasonable traveling expenses incident to such attendance. The commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and with citizens with relation to the protecting or carrying out of the plan. The commission shall have the right to accept and use gifts for the exercise of its functions. All public officials

shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to fulfill its functions, promote county planning, and carry out the purposes of this Act.

TITLE II — SUBDIVISION CONTROL

Section 11. ESTABLISHMENT OF OFFICIAL MAP: SCOPE OF SUBDIVISION CONTROL: From and after the time when the County Planning Commission shall have adopted a master plan which includes a major road plan, or shall have progressed in its master planning to the extent of the making and the adoption of a major road plan, and shall have certified a copy of such to the governing body of the county, said governing body may establish an official map of the county showing the location of the roads of the whole or any part or parts of the county theretofore existing and established by law as public roads; such official map may also show the location of the lines of roads on plat of subdivisions which shall have been approved by the planning commission, or which were recorded before such approval was required. The governing body of the county shall certify the fact of the establishment of such official map to the County Judge of Probate. Upon the approval, establishment and certification, herein prescribed, of a major road plan of the territory within its jurisdiction or part thereof, then no plat of a subdivision of land within such territory, or part thereof, shall be filed or recorded until it shall have been approved by the County Planning Commission. For purposes of record, such approval shall be entered in writing on the plat by the chairman and/or secretary of the planning commission. The jurisdiction of the County Planning Commission, for the purpose of regulating the subdivision of land, shall be the unincorporated territory of the county, excluding part or all of any areas within the police jurisdiction of an incorporated municipality over which a municipal planning commission is already exercising subdivision jurisdiction and control or within 90 days from the effective date of this Act adopts a resolution declaring its intention and plan to exercise subdivision jurisdiction and control. Nothing in this Act shall be construed to restrict the powers granted by statute to duly incorporated municipalities as to territory contiguous to but outside the limits of such municipalities.

Section 12. SUBDIVISION REGULATIONS: Before exercising the powers conferred in Section 11 of this Act, the plan-

ning commission shall adopt regulations governing the subdivision of land of and in its territorial jurisdiction. Such regulations may provide for the harmonious development of the county; for the coordination of roads, or streets within subdivisions with other existing or planned roads or streets, or with other features of the master plan; for adequate open spaces for traffic, recreation, light, and air; for the conservation of or production of adequate transportation, drainage, and sanitary facilities; for the avoidance of population congestion, including width and area of lots; and for the avoidance of such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, sanitation, drainage, transportation, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services. Such regulations may include provisions as to the extent to which roads and streets and other ways shall be graded and improved and to which water, sewer, and other utility mains, piping or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the commission may provide for a tentative approval of the plat previous to such installations; but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the commission may accept a bond, with surety, to secure to the county the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the resolution of the commission. The county is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies. All such regulations shall be published as provided by law for the publication of ordinances, and, before adoption, a public hearing shall be held thereon. A copy thereof shall be certified to the county recorded by the County Planning Commission.

Section 13. PROCEDURE: LEGAL EFFECT OF APPROVAL OF PLAT: The planning commission shall approve or disapprove a plat within thirty days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand; provided, however, that the applicant for the commission's approval may waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission.

Any plat submitted to the commission shall contain the name and address of a person to whom notice of hearing shall be sent; and shall also show the names and addresses of the owners of land immediately adjoining the platted land. Notice shall be sent

to said person, and to such owners, individually, by registered mail of the time and place of such hearing not less than five days before the date fixed therefor. Every plat approved by the commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or detail of the official master plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance of the public of any road, street, or other open space shown upon the plate. The commission may, from time to time, recommend, to the governing body of the county, amendments of the county zoning ordinance or map or additions thereto to conform to the commission's recommendations for the zoning regulation of the territory comprised within approved subdivisions.

Section 14. PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS: Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells, or agrees to sell, or negotiates to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the County Planning Commission and recorded or filed in the office of the county recorder, shall forfeit and pay a penalty of \$100.00 for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The county may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by civil action in any court of competent jurisdiction.

Section 15. JUDGE OF PROBATE'S DUTIES: A Judge of Probate who files or records a plat of a subdivision without the approval of the County Planning Commission as required by law shall be deemed guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500.

Section 16. IMPROVEMENTS IN UNAPPROVED ROADS AND STREETS: The county shall not accept, lay out, open, improve, grade, pave, curb, or light any road or street, or lay or authorize water mains or sewers or connections to be laid in any road or street, within any portion or territory for which the County Planning Commission shall have adopted a major road plan, unless such road or street (a) shall have been accepted or opened as or shall have otherwise received the legal status of a public road or street prior to the adoption of such plan, or unless such road or street (b) corresponds with a road or street on the official master plan or with a road or street on a subdi-

vision plat approved by the commission or with a road or street on a road or street plat made by and adopted by the commission. The governing body of the county may, however, accept any road or street not shown on or not corresponding with a road or street on the official master plan or on an approved subdivision plat or an approved road or street plat; provided, however, the ordinance or other measure accepting such road or street be first submitted to the County Planning Commission for its approval and, if disapproved by the commission, be enacted or passed by not less than a majority of the entire membership of the governing body of the county. A road or street approved by the commission upon submission by the governing body, or a road or street accepted by a majority vote after disapproval by the commission shall, thereupon have the status of an approved road or street as fully as though it had been originally shown on the official master plan or on a subdivision plat approved by the commission or had been originally platted by the commission.

Section 17. BUILDINGS OR STRUCTURES WITHIN UN-APPROVED SUBDIVISIONS: From and after the time the County Planning Commission shall have adopted subdivision regulations, as provided in Section 12 of this Act, and a major road plan, as provided in Section 11 of this Act, no building permit shall be issued for a building and no building shall be erected in any lot of a proposed subdivision or adjacent to the lines of a proposed road or street, without the approval of the County Planning Commission.

TITLE III — COUNTY MAPS — ROADS ACT

Section 18. PLATTING OF STREET LINES BY PLANNING COMMISSION: From and after the time when the County Planning Commission shall have adopted a master plan which includes at least a major road plan or shall have progressed in its master planning to the extent of the making and adoption of a major road plan, said commission shall have the power to make or cause to be made, from time to time, surveys for the exact location of the lines of new, extended, widened, or narrowed roads or streets in the whole or in any portion of the county, and to make and certify to the governing body of the county a plat or plats of the area or areas thus surveyed on which are indicated the locations of the lines recommended by the commission as the planned or mapped lines of future roads, road extensions, or road narrowings. The making or certifying of a plat by the commission shall not in itself constitute or be deemed to constitute the opening or establishment of any road or street or the taking or acceptance of any land for road or street purposes.

Section 19. ESTABLISHMENT OF OFFICIAL MAP: The establishment of an official map of the county, by the governing body of such county, is provided for in Section 11 of this Act.

Section 20. OFFICIAL MAP: ADDITIONS AND CHANGES: In the event that the official map established does not include the whole of the county but only certain part or parts thereof, then the governing body of the county may add to the official map by placing thereon, from time to time, the lines of the roads which at the date of the establishment thereof, existed and were established by law as public roads in other part or parts of the county, or had been approved as roads, public or private, in such other part or parts of the county. Said governing body may also add to the official map by placing thereon, from time to time, the lines of roads or streets in accordance with the plat of any subdivision which shall have been approved by the planning commission of the county. Said governing body may make, from time to time, other additions to or modifications of the official map by placing thereon the lines of planned roads or road extensions (future), narrowings, widenings, or vacations; provided, however, that before making such other additions or modifications, said governing body shall hold a public hearing thereof, notice of the time and place of which shall be given not less than fifteen days previous to the time fixed therefor by one publication in a newspaper of general circulation in the county; provided, further, that such proposed addition to or modification of the official map shall be submitted to the planning commission for its approval, and, in the event such commission disapproves, such addition or modification shall require a favorable vote of not less than a majority vote of the entire membership of the governing body. Any road line location certified by the planning commission to the governing body, as authorized by Section 18 of this Act, shall be deemed approved by the commission without further submission thereof to said commission. The placing of any road or road lines upon the official map shall not in and of itself constitute or be deemed to constitute the opening or establishment of any road or the taking or acceptance of any land for road purposes.

Section 21. REGULATION OF BUILDINGS WITHIN FUTURE ROADS: For the purpose of protecting the integrity of the official map, no building shall be built and no permit shall be issued for any new building to be located entirely or in part within the mapped lines of any road shown on the official map; no building shall be altered nor shall any permit be issued for the structural alteration of the part of any existing building located within such mapped road lines, unless such alteration is for the purpose of facilitating the removal of that part of the building from the land within such lines. Any ordinance adopt-

ing an official map and providing for the addition thereto of the lines of planned future roads shall provide that the board of zoning adjustment, if any county have such board, or if not, that a board of adjustment created for the purpose of such ordinance, shall have the power, upon an appeal filed with it by the owner of such land, to authorize the grant of a permit for a building or structure or part thereof within any such mapped road location in any case in which such board finds, upon the evidence and arguments presented to it upon such appeal, (a) that the property of the appellant of which such mapped-road location forms a part will not yield a reasonable return to the owner unless such permit be granted, or (b) that, balancing the interest of the county in preserving the integrity of the official map and the interest of the owner in the use and benefits of his property, the grant of such permit is required by consideration of justice and equity. Before taking any such action the board of adjustment shall hold a hearing thereof, at least ten (10) days notice of the time and place of which shall be given to the appellant by mail at the address specified by the appellant in his appeal petition. In the event that the board of adjustment decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height and other details and conditions of extent and character, and also the duration of the building, structure, or part thereof to be permitted.

Section 22. RESERVATION OF LOCATIONS OF MAPPED STREETS FOR FUTURE PUBLIC ACQUISITION: The County Planning Commission may, at any time, negotiate for or secure from the owner or owners of lands, lying within the mapped lines of any road shown on the official map, releases of claims for damages or compensation for such reservations or agreements indemnifying the county from such claims by others, which releases or agreements shall be binding upon the owner or owners executing the same and their successors in title. And any time after the filing of a plat with the Judge of Probate, and during the period specified for the reservation, the County Planning Commission and the owner of any land containing a reserved road location may agree upon a modification of the location of the lines of the proposed road, such agreement to include a release by said owner of any claim for compensation or damages by reason of such modification; and thereupon the County Planning Commission may make a plat corresponding to the said modification and transmit the same to the governing body, and if such modified plat be approved by the governing body, the clerk of the body shall transmit an attested copy thereof to the said Judge of Probate, and said modified plat shall take the place of the original plat. At any time the county governing body may, by resolution, abandon any reservation and shall certify any such abandonment to the said Judge of Probate.

Section 23. COMPENSATION FOR SUCH RESERVATIONS: In the resolution of adoption of a plat the governing body shall appoint a board of three appraisers and shall fix the time and place of meetings for hearings by said board upon the amounts of compensation to be paid for such reservation. There upon the clerk of the governing body shall publish in at least two newspapers of general circulation in the county once a week for four consecutive weeks a notice which shall contain a general description of the land thus reserved, as shown on the plat, the provisions of the resolutions of the governing body including the period of time for which such reservations are made, the time within which claims for compensation may be filed; which shall be not less than three months nor more than six months, from the date of the notice, and the time and place of hearings by the board of appraisers. The first hearing shall not be set earlier than thirty days after the date of the first of such publications. Such notice shall also be posted in at least three public places in the neighborhood of or along the line of the location of the reservation. The board of appraisers shall fix the amounts of compensation to be paid, respectively, to the owners of the lands reserved for the period of time as shown on the plat, and in the resolution adopted by the governing body. Whenever the clerk of the governing body receives, within the period fixed for the same, any claim for such compensation, he shall transmit it to the board of appraisers. At the time and place fixed for such hearings the board of appraisers shall hear and consider all claims presented to it in writing or in person, including all evidence which may be presented by the claimants or other persons. The board of appraisers shall have the right on its own to investigate and ascertain data or evidence relevant to the question of such compensation. In case of the abandonment of a reservation prior to the time fixed for payment of compensation, the county shall be liable to the owner of the land included within the abandoned reservation for the expenses, if any, incurred by such owner by reason of such reservation.

Section 24. REPORT OF APPRAISERS AND COUNCIL'S ACTION: The board of appraisers shall, within ninety days after the time fixed for the filing of claims, file its tentative report with the clerk of the governing body setting forth its findings as to the amounts of compensation to be paid the respective owners of the lands included within the lines of such reservations as located on the approved plat. Thereupon the clerk of the governing body shall publish once a week for two consecutive weeks in at least two newspapers of general circulation in the county the fact of the filing of the report of the appraisers and specify a period of thirty days from and after the date of the first such publication within which objections to the report

may be filed with the clerk of the governing body. If objections be filed within said period, when the clerk of the governing body shall cause the board of appraisers to hold a meeting, at which said objections shall be transmitted to the board, and the board may modify its report. The report in its original form or, if modified, in its modified form, shall be transmitted to the governing body by its clerk. Before passing on the report, the governing body may return it to the board of appraisers for reconsideration, and the board may upon further consideration transmit its former or a modified report to the governing body. The governing body may approve or disapprove the report. If the report is approved, the governing body shall provide for the payment of amounts of compensation set forth in the report within ninety days after the filing of the report with it. In the case of those property owners who file claims, payments shall be made through the clerk of the governing body, who shall notify the claimants at the addresses given upon the claims filed with him. Payments to all other persons shall be made through the clerk of the circuit court of the county in which the reserved location is situated, by the payment of said clerk of the amounts awarded to such persons; notice of distribution to such persons to be given and made as may be provided by a rule or order of said court. Payments made as aforesaid to the clerk of the governing body or clerk of said court within said ninety days shall be deemed compliance with the above requirements for payment within ninety days. If the governing body disapproves the report or fails to provide for such payment within ninety days, such disapproval or failure shall be deemed a dismissal of the proceedings and a cancellation of the plat and an abandonment of the reservations of the street locations as shown on the plat, with the same liability of the county for expenses as above provided in the case of abandonment by resolution; and thereupon the clerk of the governing body shall cause to be transmitted to the probate judge of the county an attested statement of such abandonment.

Section 25. APPEAL FROM COMPENSATION AWARDS. Within twenty days after the approval of any such report by the governing body, any person dissatisfied with the award or compensation therein contained may file with the clerk of the governing body notice of appeal of the court of the county. Thereupon, and within ten days of such notice, the clerk of the governing body shall file with the clerk of said court the report of the board of appraisers approved by the governing body, together with certified copies of the resolution of the governing body and of the notice of appeal. Within five days thereafter the appellant shall give and file with the clerk of said court an appeal bond, running to the county and for such amount as may be fixed by the court,

to secure the county against the cost of the appeal case in the event that appellant fails to obtain an award of compensation greater than that fixed in the said report. Thereupon said appeal case shall be deemed to be filed and pending as a case brought by the county to appropriate and assess the compensation to be paid for the reservation of the land of the appellant as shown on the approved plat for the period fixed in the resolution of the governing body, and the procedure shall be in accordance with the procedure specified by law in the proceedings for the taking or appropriation of property for public use for streets; and the county shall pay the appellant the amount fixed in said case, or, in case it abandons the reservations, the amount of costs and expenses incurred by the appellant in said case.

Section 26. COMPENSATION FOR BUILDING IN RESERVED STREET LOCATIONS: The reservation of a street location, as provided in Section 22 of this title, shall not be deemed to prohibit or impair in any respect the use of the reserved land by the owner or occupant thereof for any lawful purpose, including the erection of buildings thereon; but no compensation, other than the compensation awarded in the final report of said board of appraisers as approved by the governing body as provided in Section 24 of this title, or, in the case of an appeal, as awarded on such appeal as provided in Section 25 of this title, shall at any time be paid by the county or public to or recovered from the county or public by any person for the taking of or injury to any building or structure built or erected within the period fixed in the resolution of the governing body upon any such reserved location. No compensation or damages for any such reservation shall be paid or recovered except as provided in Sections 23-25 of this title.

TITLE IV — MISCELLANEOUS PROVISIONS

Section 27. SAVING CLAUSE: The invalidity of any portion or provision of this Act shall not affect the validity of any other portion or provision.

Section 28. REPEAL: All laws or parts of laws in conflict herewith, are hereby repealed.

Section 29. REFERENDUM CLAUSE. The governing body of Chambers County shall provide for the holding of a referendum election after giving due notice of the date of said referendum and the question to be voted on will be whether this Act shall become effective or not.

Section 30. TIME OF TAKING EFFECT. This Act shall take effect upon its passage and approval by the Governor or

upon its otherwise becoming a law, and having been approved by a majority of the votes cast at the referendum election provided for by Section 15 above.

Approved: March 16, 1956.

Time: 3:55 P. M.

Act No. 17

H. 51—Meeks, Edwards (Jefferson), Nice,
Lackey, Perry, Vacca, Kaul.

AN ACT

To amend further Act No. 661, H. 978, approved September 4, 1951, which defined, regulated, prescribed licenses for barbers, barber colleges and other like businesses and established the barbers commission in all counties in the State having a population of four hundred thousand or more according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title of Act No. 661, H. 978, approved September 4, 1951, entitled "An Act To define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of four hundred thousand or over, according to the last or any subsequent Federal Census; to create a barber's Commission for said counties and define the powers and duties of said barber's Commission; and to provide for an inspector, and to provide a penalty for the violation of the provisions hereof," is hereby amended to read as follows:

"An Act To define, regulate and license barbers, barber apprentices, barber shops and barber colleges, and other like businesses in counties of the State of Alabama having a population of four hundred thousand or over according to the last or any subsequent Federal Census; to create a Barber Commission for said counties and define the powers and duties of said Barber Commission, and to provide for an inspector and other employees, and for the disposition of money collected under this act, and to provide a penalty for the violation of the provisions hereof."

Section 2. Section 1 of said Act No. 661, H. 978, approved September 4, 1951, is amended to read as follows:

"Section 1. Unlawful to Operate Without License and To Violate Provisions of this Act. — It shall be unlawful for any person, partnership, association or corporation to act as a barber, a barber teacher, an apprentice barber, a scalp specialist, house barber, or to operate a barber college, barber shop, or other like business, or to advertise or assume to act as such in any

county within this State having a population of four hundred thousand or more according to the last or any subsequent federal decennial census, without first having obtained a license issued by the Barber Commission of the county wherein such act is done or sought to be done. No partnership, association or corporation shall be granted a license unless every member or officer of such partnership, association or corporation, who actively engages in the barber business, barber college, or like business of such partnership, association or corporation, shall hold a license as a barber, issued pursuant to this Act. It shall also be unlawful for anyone to violate the provisions of this Act."

Section 3. Section 3 of said Act No. 661, H. 978, approved September 4, 1951, is amended to read as follows:

"Section 3. Barber Commission. — There shall be a Barber Commission for the counties hereby affected. The county commission or like governing body of the county shall appoint three persons, each of whom immediately prior to the date of his appointment has been a resident of the State for five years and of the county for at least three years, and who has had at least five years' experience as a barber. The term of office of members of the Barber Commission appointed prior to January 1956 shall be two years. At the expiration of the term of office of the members appointed prior to January 1956, one member shall be appointed for a term ending on the last day of August of the year following his appointment, one for a term ending on the last day of August of the second year following his appointment and one for a term ending on the last day of August of the third year following his appointment. Thereafter all members of the Barber Commission shall be appointed for a term beginning on the first day of September immediately following the expiration of the term of the member whom he succeeds and continuing for three years and until his successor has been appointed and has qualified. There shall be at no time more than two commissioners residing or doing business in any one city, town or village, of such county. Vacancies caused by the expiration of the terms of the members of the Barber Commission, or vacancies caused by any other means, shall be filled by appointment by the county commission or other like governing body of the county. Before the commissioners herein provided for shall receive a commission and enter upon the discharge of their duties, each commissioner shall take and subscribe to the oath provided by law to be taken by elective officers of the State of Alabama. The Barber Commission shall organize by selecting from its members a chairman, and may do all things necessary or convenient for carrying into effect the provisions of this Act. Each member of the commission shall receive as full compensation for each day actually spent in the work of said commission the sum of

Fifteen and No/100 (\$15.00) Dollars and not to exceed Three and No/100 (\$3.00) Dollars for expenses thereby incurred. The members of said commission shall not be paid for their attendance for more than one meeting of not over one day's duration during any calendar week. The commission shall appoint, and at its pleasure may discharge, a secretary, and the county health officer of such county shall appoint and at his pleasure discharge an inspector. Such inspector shall be a practicing barber who has had five or more years of experience as a barber. He shall give his full time to his duties and as compensation therefor shall receive a salary to be fixed by the Barber Commission. Neither the secretary nor inspector shall be related by blood or marriage to any other person employed by the commission or to the members of the commission. Said commission shall also have the power to employ any other necessary help for the enforcement of this law, outline their duties and fix their compensation subject to the general laws of this State. The commission shall obtain such office space, furnishings, and other conveniences as shall be reasonably necessary for carrying out the provisions of this Act.

The Barber Commission shall have the power and authority to establish and promulgate reasonable sanitary rules and reasonable regulations for the conduct of barbers, apprentice barbers, barber teachers, barber shops, barber schools, and scalp specialists. The commission is authorized and directed to inspect all barber shops, barber schools and places of business of scalp specialists in the county, and for such purpose any member of the commission or its duly authorized agent may enter upon the premises of such barber shops, barber schools and scalp specialists at any time during business hours. A copy of the sanitary rules and other regulations adopted by said commission shall be furnished to each licensed shop owner and barber school doing business in the counties hereby affected. The inspector shall be deputized by the sheriff of the county and by each succeeding sheriff that shall be elected in the county. The inspector shall make bond in the amount of Two Thousand Dollars (\$2,000.00) covering his acts as said inspector of the Barber Commission of the county. The sheriff of the county shall not be liable for any of the acts of the inspector. The bond premium shall be payable by the Barber Commission of the county out of the funds of the Barber Commission. The Inspector shall have the power and authority to arrest persons guilty of a violation of any of the provisions of this Act, or the health and sanitation laws of this State or of any municipality in the counties hereby affected. He is further authorized to take and preserve any evidence of such violations until final disposition of said cause. The principal office of said commis-

sion shall be located at the county seat. The commission shall adopt a seal, with such design as it may prescribe engraved thereon, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the commission duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. The Barber Commission shall make and keep on file in its office an annual report, which report shall summarize all the activities of the commission relative to the examining and licensing of barbers, barber apprentices, barber teachers and scalp specialists and the suspension or revocation of such licenses, and the issuance and revocation of licenses of barber shops, barber colleges and other like businesses, and shall also show all collections and all disbursements of funds collected pursuant to this Act. All records kept in the office of the commission under authority of this Act shall be open to public inspection at all reasonable times. All fees and charges collected by the commission under the provisions of this Act shall be paid into the treasury of such county and shall constitute a separate fund to be disbursed by the county treasurer on order of the Barber Commission and with the approval of the chairman of the county commission or like governing body of the county. All expenses incurred by the Barber Commission, including the compensation of members and their employees shall, be paid by the county treasurer out of such separate fund upon checks signed by the chairman of said Barber Commission and approved by the chairman of the county governing body, provided that the total expenses for every purpose incurred shall not exceed the total fees and charges collected and paid into the county treasury by said Barber Commission and all moneys in excess of one thousand dollars remaining in said separate funds at the end of the fiscal year not expended as herein provided shall become a part of the general fund of the county."

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 16, 1956.

Time: 3:56 P. M.

Act No. 18

H. 29—Murphy, Simon, Tyson

AN ACT

To alter, rearrange, extend and fix the boundaries and limits of the City of Mobile; to provide for assessing for ad valorem taxation the property added to the City of Mobile when certain services are rendered to the property owners and persons residing therein or are made avail-

able to them; to describe the services to be rendered and to exempt from taxation property added to the City of Mobile by the extension of its boundaries when such services are not available or rendered; to require the County of Mobile to continue to maintain the streets and roads in such added territory until such time as the same is assessed for taxation by the City of Mobile.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known and may be cited as "the Greater Mobile Act."

Section 2. The boundaries of the City of Mobile are hereby altered, rearranged, extended and fixed so as to be as follows:

Commencing at the intersection of the West Harbor line of Mobile River and the Township line between Township 3 South and Township 4 South, Range 1 West of the St. Stephens Meridian; thence eastwardly along said Township line to the point where the same intersects the east shore line of Blakeley Island on Polecat Bay; thence southwardly along the meanders of the said east shore line of Blakeley Island and the north shore line of the Mobile Bay Bridge Causeway to a point on said north shore line of said causeway where said shore line is intersected by the north-south coordinate line 336,000 of the Transverse Mercator Projection for Alabama West Zone as used officially on maps of Mobile Bay Area by the United States Corps of Engineers; thence south along said coordinate line to a point due East of the North bank of the mouth of Dog River, thence due West to the said North bank of Dog River, thence westwardly and northwardly along the north and east bank of Dog River to a point due East of the north bank of the mouth of Hall's Mill Creek, thence due west to the north bank of the mouth of Hall's Mill Creek, thence westwardly along the meanders of the North bank of Hall's Mill Creek to the point where the same is intersected by the boundary line between Section 17 and Section 18, Township 5 South, Range 2 West, thence northwardly along the west boundary lines of Sections 17, 8, and 5, Township 5 South, Range 2 West, thence continuing northwardly along the west boundary lines of Sections 32, 29, 20, 17, 8 and 5 of Township 4 South, Range 2 West, thence continuing northwardly along the west boundary line of Section 32, Township 3 South, Range 2 West, to the northwest corner of said Section 32, thence eastwardly along the north boundary line of sections 32 and 33 of Township 3 South, Range 2 West, to the Northwest corner of Section 34, Township 3 South, Range 2 West, thence southwardly along the West boundary line of said Section 34 to the point where said West boundary line is intersected by the half section line dividing the North half and the South half of said Section 34, thence Eastwardly along said half section line to the center of said Section 34, thence southwardly along the half section

line dividing the East half and the West half of said Section 34 to the North boundary line of Section 3, Township 4 South, Range 2 West, thence eastwardly along the North boundary line of Sections 3, 2 and 1, of Township 4 South, Range 2 West to the point where the North boundary line of said Section 1 is intersected by the half section line dividing the East half and the West half of said Section 1, thence southwardly along said half section line to the South boundary line of said Section 1, thence eastwardly along the South boundary line of said Section 1 to the Southwest corner of Section 6, Township 4 South, Range 1 West, and continue thence eastwardly along the south boundary line of said Section 6 and Section 5 of Township 4 South, Range 1 West to the point of intersection with the East boundary line of Second Street (Chastang Street) also known as Prichard Lane, thence Northwardly, eastwardly and northeastwardly along the east and south boundary line of said Prichard Lane to the point where the same intersects the east property line of College Avenue; thence southeastwardly along the east and north property line of College Avenue to the north property line of Sweeney's Lane; thence southwestwardly along the north property line of Sweeney's Lane to the west bank of Toulmin's Branch to a point directly West of the south boundary line of the city of Prichard, thence eastwardly to the south boundary line of the city of Prichard; thence continuing eastwardly, northwardly and eastwardly along the boundary line of the City of Prichard to the southeast corner of the Craftview Court subdivision; thence directly eastwardly to the point of intersection of the West boundary line of West Highlands subdivision; thence northwardly along the west boundary line of West Highlands subdivision to the north boundary line of said subdivision; thence eastwardly along the north boundary line of said subdivision to the west right-of-way line of Telegraph Road; thence northwestwardly along said right-of-way line to the South right-of-way line of the Bay Bridge Road; thence eastwardly along said south right-of-way line to the east right-of-way line of the Southern Railroad; thence northwestwardly along the East right-of-way line of the Southern Railroad to the point where the same is intersected by the Township line between Township 3 South and Township 4 South, thence eastwardly along the said Township line to the west bank of Mobile River, being the place of beginning.

Section 3. Any area which is located within the boundaries of the City of Mobile, as set out in section one above, but which was not a part of the City of Mobile prior to the passage of this act fixing the above said boundaries, shall not be subject to assessment for ad valorem taxation by the City of Mobile until the said City of Mobile shall make available, furnish or cause

to be furnished through any board whose members are appointed by the City of Mobile, to said area and the residents thereof the following municipal services: police protection, fire protection, garbage collection, street lighting, water service, sanitary sewer service, and street maintenance. The city commission of the City of Mobile, each year when it adopts an ordinance assessing real property within the City of Mobile for ad valorem taxation shall describe in said ordinance the area which has previously been subject to the city's ad valorem taxation and shall describe in addition thereto such other areas within the boundaries as set out in section one above in which the city commission is furnishing all of the above described services during the year for which said ad valorem tax is being levied; and said ordinance shall also describe the areas within the City of Mobile where all of said services are not being rendered and shall exempt such areas from city ad valorem taxation for said year. In no event shall city taxes be levied or collected on or with respect to annexed property served by existing water and/or sewer main and lateral lines (not including individual residential or commercial service lines) which were connected to the municipal system with the consent of the city or of the Board of Water and Sewer Commissioners prior to the date of this enactment, at the expense of the owners of such water and/or sewer lines, until the city, or the Board of Water and Sewer Commissioners of the city, shall have reimbursed the owners of such water and sewer lines for the cost of installing such lines, or shall have acquired such lines and paid a just compensation therefor; provided, that any such water and/or sewer lines which were released by the owners to, or otherwise acquired by, the City of Mobile or the Board of Water and Sewer Commissioners prior to the date of this enactment shall not be subject to the reimbursement or compensation provided for above.

Section 4. Any roads or streets which are located in those areas which are exempted from ad valorem taxation by the City of Mobile shall be maintained by the County of Mobile until such time as aforesaid areas are assessed for city of Mobile ad valorem taxation.

Section 5. Should any section, provision or part of this Act be declared unconstitutional or void by any Court of competent jurisdiction it shall not affect the validity of the remaining sections, provisions or parts of this Act.

Section 6. This act shall become effective June 2, 1956.

Approved: March 16, 1956.
Time: 4:00 P. M.

Act No. 19

H. 50—Meeks, Edwards (Jefferson),
Lackey, Perry, Vacca, Nice,
Kaul.

AN ACT

To amend Section 2 of Act No. 248, H. 580, approved July 6, 1945, (General Acts of Alabama, 1945, p. 376), entitled "An Act To create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the county affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 248, H. 580, approved July 6, 1945 (General Acts of Alabama, 1945, p. 376), as amended, is amended further to read as follows:

"Personnel Board; extent of its authority defined. In and for each separate county of the State of Alabama which has a population of four hundred thousand or more inhabitants according to the last or any future federal census, there shall be a personnel board for the government and control, by rules and regulations and practices hereinafter set out or authorized, of all employees and appointees holding positions in the classified service of such counties, the municipalities therein having a population of five thousand or more inhabitants, according to the last federal census, whose corporate limits lie wholly within the county, and the County Board of Health, and such personnel board is vested with such powers, authority and jurisdiction. Provided, however, that such board shall not govern any officers or appointees holding positions in the unclassified service. The unclassified service shall include: All employees or appointees of a city or county board of education, or a library board; persons engaged in the profession of teaching or in supervising teaching in the public schools; officers elected by popular vote; the judge of any court; the county attorney; the director of personnel; the county health officer, provided, however, that if

any law or laws now or hereafter enacted shall cause the offices of all other county health officers in the State of Alabama to become subject to any state or county civil service or merit system now or hereafter established, in such event the office of county health officer in each county subject to the provisions of this Act shall be a position in the classified service as herein defined; one private secretary of a member of the governing body and of each officer except judges elected by vote of the people; internes, resident physicians, resident dentists, student technicians and student nurses, while undergoing training in a county health department or in a hospital maintained by public funds; common laborers, members of boards who are not employed on a full-time basis and are not required to devote their time and services exclusively to such counties and municipalities therein; attorneys, physicians, surgeons and dentists who with the express or implied permission of an appointing authority or of such county or city hold themselves out for employment by others in the same or a like line of work as that performed by them for such appointing authority; where there are two county sites or county court house sites maintained in one county and a county officer or officers are required to maintain an office in one court house and a branch of subsidiary office in the other of said courthouses, the chief deputy of each elective officer in charge of such branch office. The classified service shall include all other offices and positions in the county and municipal service, including the services of the County Board of Health and the Board of Registrars of such county, except as otherwise provided in this Act. Each member of the Board in all hearings before it may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of papers, books and records and may punish for contempt of the Board in like manner and extent as may be done by courts of county commissioners: A member of the board or his employer shall be prohibited from selling materials, supplies or services to a county or municipality unless such sales are made as the result of open competitive bidding. The term 'independent contractor', as used in this section shall include a prospective independent contractor, and the term 'appointing authority' as used in this section, shall also include the public entity for which an appointing authority acts. The term 'employee', as used in this Act, shall not be deemed to include 'independent contractors', but, in order to prevent evasions of the policy of this Act, the board shall have power to control, in the manner hereinafter specified, the use of independent contractors for performance of work for an appointing authority except in cases hereinafter specifically exempted from such control. The board shall exercise constant vigilance to see that the policy of this Act be not evaded by the use of independent contractors, and whenever the

board shall have reason to believe that work is about to be, or is being done, continued or completed by an independent contractor for an appointing authority, and that such work is such as to be, or, at the time of commencement thereof, to have been, performable as well, practically, expeditiously and economically by one or more employees appointed or appointable, under this Act as by an independent contractor, the board may serve such appointing authority and such independent contractor, if such independent contractor be known, with a written request to appear before the board at a time and place specified in such written instrument and show cause, if any there be, why such work should not be done, continued or completed by one or more employees appointed, or appointable, under this Act. Deposit of such written request in the United States registered mail, postage and registration fee prepaid and properly addressed, shall be sufficient service. At the time and place specified in said written request such appointing authority and independent contractor, or either of them, may appear, and, in such event, shall be accorded a fair hearing. If, upon such hearing, or in the event opportunity therefor be not availed of, in the absence thereof, the board shall determine that such work is such, or of such character, as to be, or, at the time of commencement thereof, to have been, performable as well, practically, expeditiously and economically by one or more employees appointed, or appointable, under this Act as by an independent contractor, and that no sufficient reason has been made to appear why such work should be performed by an independent contractor in preference to one or more employees appointed, or appointable, under this Act, the board may enter an order prohibiting the doing, continuance or completion of such work after a date specified in such order otherwise than by and through one or more employees appointed, or to be appointed, under this Act, and no compensation shall be paid to, or received by, an independent contractor effected by such order for work done after the date specified in such order. In arriving at its determination the board shall consider, among other things, and give appropriate weight, to the circumstances of whether or not competent persons are available for appointment under this Act for performance of the type of work involved, and of whether or not the type of work involved is such as may be reasonably expected to be continuous for an indefinite time, regularly recurrent, or sporadic, and of whether or not the type of work involved is such as is customarily and generally let to independent contractors, and of whether or not the appointing authority possesses, or should reasonably be expected to obtain, physical facilities for performance of such work by one or more employees appointed, or appointable, under this Act. The board, however, shall have no power to prohibit the use of independent contractors for the

construction of viaducts, bridges, street improvements, sewers, canals, public buildings, or public utilities, and, should an appointing authority desire to do any such construction work by means of its own construction forces or employees, the board, upon application to it first made, may, but is not required, to permit the doing of such construction work by construction forces or employees of the appointing authority not appointed under this Act, subject to such conditions and limitations as the board may prescribe. In order to forestall the possibility of prohibition by the board of use of an independent contractor for the further performance of any work after such work has been let to such independent contractor, an appointing authority may apply to the board in advance of the letting of any work to an independent contractor for permission to do so, such application to be in writing and to contain a copy of the proposed contract or such general description of its substance as may be satisfactory to the board. The board may grant such application with or without conditions or limitations, and if the same be granted the board shall not thereafter prohibit anything thus authorized. In its determination concerning grant or refusal of such application, the board shall be guided by the same considerations as are hereinabove indicated for guidance of its determination upon the question of whether or not to prohibit the commencement or continuation of work by an independent contractor. In the event the governing body of any municipality whose corporate limits lie partly within said county and partly within any other county and having a population of five thousand or more inhabitants, according to the last federal census, or any succeeding federal census, shall adopt a resolution in favor of such municipality coming under the provisions of this act, and transmit or cause to be transmitted a certified copy of such resolution to the Personnel Board of such civil service system, then, sixty days after the effective date of such resolution, the provisions of this Act shall apply to any such municipality having the required number of inhabitants and whose corporate boundaries lie partly within said county and partly without said county. Any municipality which adopts a resolution and comes under the provisions of this Act, as herein provided, shall thereafter remain under this Act, and may not repeal or rescind such action either by the adoption of a resolution or otherwise."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 19, 1956.

Time: 8:30 A. M.

Act No. 20

H. J. R. 18—Tyson, Perry, Vacca, Edwards (Jefferson), Kaul, Lackey, Meeks, Nice, Reynolds, Lee (Lawrencè), Huddleston, Murphy, Simon, Roberts, Martin, Branyon, Brown (Lamar), Speaks, deGraffenried, Ashworth, law, Johnson (Elmore), Ferrell, McKay, Oakley, Franklin, Steagall, Hain, Stembridge, Mathews, Mathison, Bradford, McNider, Hare, Nettles, Kirkham, Holliman, Locke (Choctaw), Merrill, Albea, Adams, Johnson (Tallapoosa), Burkhalter, Hodges, Hardy, Gilmer, Cornett, Brassell, Brown (Lee), Ward, Kendall, Love, Summerlin, Brannan, Dickson, Brooks, Killough, Taylor, Boyd, Bassett, Hawkins, Lee (Barbour), Richardson, Goodwyn, Hall.

HOUSE JOINT RESOLUTION

WHEREAS the Legislature understands that word has been received from the Department of the Navy, United States Department of Defense, that the activities of the Naval Air Station at Birmingham will be curtailed as of June 30, 1956; and

WHEREAS the Naval Air Station at Birmingham is the home of the naval and marine "weekend warriors" of this State, men who stand ready to defend the cause of freedom in any emergency, as the men of this State have so gallantly done in the past; and

WHEREAS the international situation demands a highly-trained ready reserve in all components of our armed forces, for the adequate defense of our homeland, and the naval and marine reserve squadrons based at Birmingham now stand ready as a potent force for the defense of our country; and

WHEREAS plans have been completed for the extension of the runways at the Birmingham airport so as to accommodate high-performance jet aircraft, and further arrangements have been made with the City of Birmingham to acquire larger and improved facilities at said airport, for the Naval Air Station, so that Alabama naval and marine reserves may maintain their proficiency with modern weapons and aircraft; and

WHEREAS the State of Alabama stands ready to support a naval facility much larger than the present establishment; and

WHEREAS the Naval Air Station at Birmingham is the only naval air reserve establishment in Alabama, and stands as a symbol of our nation's might to the people of Alabama; and

WHEREAS the people of this State are justly proud of our Alabama naval and marine air reservists, and their contribution to the defense of this country, and can not understand the proposed curtailment of a program so vital to our nation's welfare, and they especially can not understand the proposed curtailment in Alabama, when such does not appear to be the case in our neighboring states; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. That the Legislature of Alabama does respectfully request the appropriate federal authorities to reconsider the decision to curtail the activities of the Naval Air Station at Birmingham, and urges such authorities to maintain the operation of this facility at its present, or an expanded, level.

2. That the Clerk of the House transmit copies of this resolution to the President of the United States; the Secretary of Defense; the Secretary of the Navy; the Chief of Naval Operations; the Chief of Naval Air Reserve Training, at Glenview, Illinois; the Commandant of the Sixth Naval District, at Charleston, South Carolina; the Commanding Officer of the Naval Air Station at Birmingham; the Chairman of the Armed Services Committee of the United States Senate; the Chairman of the Armed Services Committee of the United States House of Representatives; and to each member of the Alabama delegation in Congress, with the request that they do all within their power to prevent the proposed curtailment of the activities of the Naval Air Station at Birmingham.

Approved: March 19, 1956.
Time: 8:31 A. M.

Act No. 21

H. 26—Roberts

AN ACT

To amend Section 426 of Title 37, Code of Alabama (1940), which relates to the city council of certain cities and the election of members of such councils.

Be It Enacted by the Legislature of Alabama:

Section 426 of Title 37 of the Code of Alabama (1940) is hereby amended to read as follows:

"Section 426. In cities having a population of six thousand or more, there shall be elected at each general municipal election the following officers, who shall compose the city council for such cities, and who shall hold office for four years and until their successors are elected and qualified, and who shall exercise the legislative functions of city government and any other powers and duties which are or may be vested by law in the city council or its members: A president of the city council; and in cities having seven wards or less, two aldermen from each ward, to be elected by the qualified voters of the several wards voting separately in every ward; except in cities of less than twenty thousand population, in which two aldermen from each ward shall be elected by the electors of the city at large; in cities having more than seven wards, one alderman from each ward, and a sufficient number of aldermen from the city at large to make the total number of aldermen fourteen exclusive of the president of the council; and in cities having fifty thousand population or more the city council may create not exceeding twenty wards. The president of the council shall have the right to vote on all questions the same as any other member of the council. Provided, however, that the city council of any city having a population of six thousand or more may by ordinance or resolution, if adopted by two-thirds vote of the city council more than six months prior to any general municipal election, provide that the city council of said city shall consist of five aldermen to be elected from the city at large. And provided further, that the city council of any city having a population of more than thirty thousand, according to the last or any subsequent federal decennial census, or according to any census of such city made pursuant to article 3 of chapter 10 of this title, or Act No. 845, S. 142, approved September 19, 1953 (Acts of 1953, vol. II, page 1136), and having only five wards, may, by ordinance or resolution adopted by two-thirds vote of the city council, at least six months prior to a general municipal election, provide that the city council shall consist of a president and five aldermen. If such an ordinance or resolution is adopted, one alderman shall reside in each of the respective wards of the city, the president and all the aldermen shall be elected by the voters of the city at large, and the president shall vote only in case of a tie."

Approved: March 19, 1956.
Time: 8:33 A. M.

AN ACT

Relating to deductions from salary and rights and benefits and pensions and relief of members and former members of the Fire Department of the City of Birmingham and their existing and former dependents under Act No. 307 of the Regular Session of the Legislature of Alabama of 1943, approved June 28, 1943 (General Acts Alabama 1943, page 264) and the predecessors of said act.

Be It Enacted by the Legislature of Alabama:

Section 1. No pension or relief or benefit shall be payable or paid under Act No. 307 of the Regular Session of the Legislature of Alabama of 1943, approved June 28, 1943 (General Acts Alabama 1943, page 264), or any predecessor of said act, to any member or former member of the Fire Department of the City of Birmingham who is absent from active duty with said fire department at the effective date of this act on account of retirement or disability for any period after the effective date of this act during which he remains absent from active duty with said fire department on account of retirement or disability based or computed in whole or in part upon a salary or rate of compensation higher than the salary or rate of compensation attached at December 31, 1955, to the class of positions to which belongs the position occupied by such member at the time of the commencement of such absence; provided that the monthly amount of any such pension or relief or benefit of a first, second or third class fireman within the meaning of Section 25 of Section 1 of said Act No. 307 shall not be less than the amount of \$125 or an amount equal to the monthly amount provided under the provisions of Section 13 of Section 1 of Act No. 283 of the Regular Session of the Legislature of Alabama of 1943, approved June 28, 1943 (General Acts Alabama 1943, page 241) as such act has been heretofore or hereafter amended, for members of the system established by said act, whichever monthly amount is greater; and provided further that the monthly amount of any such pension or relief or benefit of a higher salaried member than a first, second and third class fireman, within the meaning of Section 25 of Section 1 of said Act No. 307, shall not be less than the amount of \$125 plus ten per cent (10%) of the amount of the difference between the salary at December 31, 1955 of the class of positions to which belongs the position occupied by such higher salaried member and the salary at December 31, 1955 of a first class fireman within the meaning of said Section 25 of Section 1 of said Act No. 307 or an amount equal to the monthly amount provided under the provisions of Section 13 of Section 1 of Act No. 283 of the Regular Session of the Legislature of Ala-

bama of 1943, approved June 28, 1943 (General Acts Alabama 1943, page 241) as such act has been heretofore or hereafter amended, for members of the system established by said act, plus ten per cent (10%) of the amount of the difference between the salary at December 31, 1955 of the class of positions to which belongs the position occupied by such higher salaried member and the salary at December 31, 1955 of a first class fireman within the meaning of said Section 25 of Section 1 of said Act No. 307, whichever monthly amount is greater.

Section 2. No pension or relief or benefit shall be payable or paid under the aforesaid Act No. 307 or any predecessor thereof to any member or former member of the Fire Department of the City of Birmingham who may become absent from active duty with said fire department after the effective date of this act on account of retirement or disability for any period after the commencement of such absence during which he may be absent from active duty with said fire department on account of retirement or disability based or computed in whole or in part upon a salary or rate of compensation higher than the salary or rate of compensation attached at December 31, 1955 to the class of positions to which belongs the position occupied by such member at the time of the commencement of such absence, provided that the monthly amount of any such pension or relief or benefit of a first, second or third class fireman, within the meaning of Section 25 of Section 1 of said Act No. 307, shall not be less than the amount of \$125 or an amount equal to the monthly amount provided under the provisions of Section 13 of Section 1 of Act No. 283 of the Regular Session of the Legislature of Alabama of 1943, approved June 28, 1943 (General Acts Alabama 1943, page 241) as such act has been heretofore or hereafter amended, for members of the system established by said act, whichever monthly amount is greater; and provided further that the monthly amount of any such pension or relief or benefit of a higher salaried member than a first, second and third class fireman, within the meaning of Section 25 of Section 1 of said Act No. 307, shall not be less than the amount of \$125, plus ten per cent (10%) of the amount of the difference between the salary at December 31, 1955 of the class of positions to which belongs the position occupied by such higher salaried member and the salary at December 31, 1955 of a first class fireman within the meaning of said Section 25 of Section 1 of said Act No. 307, or an amount equal to the monthly amount provided under the provisions of Section 13 of Section 1 of Act No. 283 of the Regular Session of the Legislature of Alabama of 1943, approved June 28, 1943 (General Acts Alabama 1943, page 241), as such act has been heretofore or hereafter amended, for members of the system established

by said act, plus ten per cent (10%) of the amount of the difference between the salary at December 31, 1955 of the class of positions to which belongs the position occupied by such higher salaried member and the salary at December 31, 1955 of a first class fireman within the meaning of said Section 25 of Section 1 of said Act No. 307, whichever monthly amount is greater.

Section 3. In the event that the pension or relief or benefit payable to any member or former member of the Fire Department of the City of Birmingham otherwise payable under Act No. 307 of the Regular Session of the Legislature of Alabama of 1943, approved June 28, 1943, or any predecessor of said act, is either not increased or is reduced, by reason of the application of Section 1 or Section 2 of this act, no future reduction in the salary or rate of compensation upon which such pension or relief or benefit is based or computed shall reduce the maximum amount of such pension, relief or benefit until such salary or rate of compensation upon which such pension, relief or benefit is based or computed shall be reduced below the rate attached thereto at December 31, 1955; and then and thereafter such pension, relief or benefit shall be based or computed as provided in Section 25 of Section 1 of said Act No. 307 of 1943, or any applicable predecessor of said act, until one of the provisions of Section 1 or Section 2 of this act which provides for a minimum pension, relief or benefit shall become operative as again limiting the applicability of said Act No. 307 of 1943, or any predecessor act, to such pension or relief or benefit, or until such salary or rate of compensation upon which such pension, relief or benefit is based or computed shall again exceed the rate attached thereto at December 31, 1955.

Section 4. Any pension or relief or benefit payable under the provisions of Section 27 of Section 1 of said Act No. 307 to any widow or child or widowed mother of any member or former member of said fire department who may be dead at the effective date of this act for any period after the effective date of this act shall be based or computed in all respects as provided by said Section 27 of Section 1 of said Act No. 307, except that the monthly amount of any such pension or relief or benefit payable under said Section 27 of Section 1 of said Act No. 307 to any such widow shall not be less than \$75, and the monthly amount of any such pension or relief or benefit payable under said Section 27 of Section 1 of said Act No. 307 to any such child shall not be less than \$30.

Section 5. Any pension or relief or benefit payable under the provisions of Section 27 of Section 1 of said Act No. 307 to any widow or child or widowed mother of any member or for-

mer member of said fire department who may die after the effective date of this act for any period after the effective date of this act shall be based or computed in all respects as provided by said Section 27 of Section 1 of said Act 307, except that the monthly amount of any such pension or relief or benefit payable under said Section 27 of Section 1 of said Act No. 307 to any such widow shall not be less than \$75 and the monthly amount of any such pension or relief or benefit payable under said Section 27 of Section 1 of said Act No. 307 to any such child shall not be less than \$30.

Section 6. In lieu of any deduction from the salary of any member of said fire department as provided by subdivision B of Section 11 of Section 1 of said Act No. 307 as amended by Section III of said act there shall be deducted, after the effective date of this act for the benefit of the fund referred to in said subdivision B, from the salary of each such member of said fire department as the same becomes payable an amount equal to six per centum (6%) thereof; provided, however, that for the purpose of such deduction the amount of such salary shall not be deemed to be higher than the salary attached at December 31, 1955 to the class of positions to which belongs the position occupied by such member at the time of earning of the salary from which deduction is made; and provided further that if a member receives a salary for a position, office or class of work in said fire department, which position, office or class of work did not exist in said department at December 31, 1955, then the amount of such salary from which such deduction is made shall not be deemed to be higher than the salary paid for the performance of similar duties in said fire department at December 31, 1955, and in case such amount of salary is not determinable or there were no similar duties in said fire department on said date, then the Board of Trustees of the Firemen's Pension and Relief Fund, referred to in Section 10 of Section 1 of said Act No. 307, shall determine the amount of salary which in its judgment would have been paid at December 31, 1955 for the performance of such similar duties in said fire department and the salary for such a position, office or class of work for the purpose of such deduction shall not be in excess of the amount so determined.

Approved: March 23, 1956.

Time: 8:31 A. M.

Act No. 23

S. 6—Eddins

AN ACT

Relating to Marengo County: to provide clerical assistance for certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or like governing body of Marengo County shall provide a clerk for the tax assessor and a clerk for the tax collector of the county. Such clerks shall be appointed by the tax assessor and the tax collector, respectively, and may be removed by the tax assessor and the tax collector, respectively, at pleasure. The clerk of the tax collector shall be paid a salary of one thousand nine hundred and twenty dollars (\$1,920.00) per annum, and the clerk of the tax assessor shall be paid a salary of two thousand one hundred dollars (\$2,100.00) per annum. The salaries of such clerks shall be paid out of the general funds of the county in such amounts and at such times as the tax assessor or tax collector shall so certify to the county governing body that the same is due to such clerk or clerks. The amounts herein authorized to be expended shall be used solely and exclusively for the payment of the salaries of such clerks for the tax assessor and tax collector.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 23, 1956.

Time: 8:32 A. M.

Act No. 24

S. 7—Eddins

AN ACT

Relating to Marengo County: to provide a clerk for the circuit clerk of Marengo County, and fixing the salary of such clerk and prescribing the manner of payment of such salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or like governing body of Marengo County shall provide a clerk for the circuit clerk of the county. Such clerk shall be appointed by the circuit clerk and may be removed by the circuit clerk at pleasure. The clerk of the circuit clerk shall be paid a salary of one thousand eight hundred dollars (\$1,800.00) per annum, payable out of the general funds of the county in such amounts and at such times as the circuit clerk shall so certify to the county governing body that the same is due to such clerk. The amount herein authorized to be expended shall be used solely and exclusively for the payment of the salary of such clerk.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 23, 1956.

Time: 8:40 A. M.

Act No. 25

S. 13—Allen and Boutwell

AN ACT

To provide for the accurate weighing of agricultural products by the State Department of Agriculture and Industries by authorizing the Commissioner of Agriculture and Industries to designate certain employees or agents of such department and others to perform work as weighmasters and to issue weight certificates upon being appointed as weighmasters; and to authorize the collection of fees and charges for weighing services furnished under the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Commissioner of Agriculture and Industries is hereby authorized to designate and appoint any competent employee or agent of the Department of Agriculture and Industries or United States Department of Agriculture to weigh or supervise the weighing of any agricultural commodities which are to be sold on the basis of weight and such employees or agents so appointed may be designated or appointed by the Commissioner of Agriculture and Industries as a public weighmaster, provided such employees or agents comply with all of the provisions of the law required for the appointment of weighmasters, pursuant to the provisions of Sections 621 - 631 of Title 2, Code of Alabama of 1940. Weight certificates issued by such employees appointed hereunder shall be issued in accordance with the provisions and requirements of the law governing public weighmasters.

Section 2. The Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture and Industries may fix, assess, and collect, or cause to be collected, fees and charges for weighing services furnished by the Department of Agriculture and Industries through services furnished by duly appointed weighmasters as authorized under Section 1 hereof and all amounts collected therefor shall be deposited into the Shipping Point Inspection Fund of the State Treasury. No amounts collected hereunder shall accrue or be paid to the employee or agent of the Department of Agriculture and Industries as all such amounts are required to be deposited

into the State Treasury to the credit of the Shipping Point Inspection Fund.

Section 3. The Commissioner of Agriculture and Industries, with approval of the State Board of Agriculture and Industries, may adopt and promulgate reasonable rules and regulations to carry out the provisions of this Act to the end that persons, firms, corporations or associations may be furnished with accurate weighing services by the Department of Agriculture and Industries where such services are required for the sale of Agricultural Commodities.

Section 4. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed to the extent that such laws are in conflict with this Act.

Section 5. This Act shall become effective immediately upon passage and approval by the Governor or upon its otherwise becoming a law.

Approved: March 23, 1956.

Time: 8:41 A. M.

Act No. 26

S. 14—Allen and Boutwell

AN ACT

To create and establish a fund in the State Treasury to be designated as the Shipping Point Inspection Fund and to provide for deposits therein of certain funds, fees, costs, charges and collections; to provide for the withdrawal and expenditure of amounts deposited into the Shipping Point Inspection Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby created in the State Treasury a fund to be known and designated as the Shipping Point Inspection Fund and all funds, fees, charges, costs, and collections accruing to or collected by the Department of Agriculture and Industries in connection with the administration, enforcement or providing inspection, classification or grading services pursuant to Articles 19 and 25 of Title 2, of the Code of Alabama of 1940, Act No. 887 of the Legislature of 1953, approved September 19, 1953, and any other laws or parts of laws whereby agricultural shipping point and terminal market inspection services are furnished by the Department of Agriculture and Industries, including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities, shall be deposited into the State Treasury, to the credit of the Shipping Point Inspection Fund created hereunder.

Section 2. That all funds now or hereafter deposited in the State Treasury to the credit of the Shipping Point Inspection Fund shall be expended to provide and furnish the services for which such funds are collected in accordance with the provisions of the law authorizing the collection of such funds or as otherwise directed by the Legislature.

Section 3. That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent only that such laws or parts of laws are in conflict with this Act.

Section 4. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved: March 23, 1956.

Time: 8:42 A. M.

Act No. 27

S. 22—Roberts

AN ACT

To regulate further the county courts of all counties having a population of not less than 80,000 nor more than 94,000, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in all counties having a population of not less than 80,000 nor more than 94,000, according to the last or any subsequent federal decennial census.

Section 2. The constable or bailiff elected or appointed to serve the processes of the county courts in all counties in which this Act applies shall have all the powers and authority of a deputy sheriff, and may execute warrants of arrest, search warrants, and other mesne and final process in civil and criminal cases.

Section 3. When any execution issued against the defendant by the county court of any county in which this Act applies is returned "no property found," execution shall be issued against the plaintiff for the costs accrued at his instance, such execution to be collected and returned as other executions issued by the court.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 23, 1956.
Time: 8:43 A. M.

Act No. 28

H. 24—Callahan, Speaks

AN ACT

To amend Section 21 of Title 42 of the Code of Alabama of 1940 (Pertaining to suspension of sentence after conviction).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 21 of Title 42 of the Code of Alabama of 1940 be and the same hereby is amended to read as follows:

"Section 21. Investigation.—When directed by the court the probation officer shall fully investigate and report to the court in writing the circumstances of the offense, criminal record, social history and present condition of defendant. No defendants unless the court shall otherwise direct, shall be placed on probation or released under suspension of sentence until the report of such investigation shall have been presented to and considered by the court. Provided, however, that after conviction the court may continue the cause for such time as may be reasonably necessary to enable the probation officer to make his investigation and report. Whenever practicable, such investigation shall include physical and mental examinations of the defendant. If such defendant is committed to an institution, a copy of the report of such investigation shall be sent to the department of corrections and institutions at the time of commitment. Provided, however, that in all cases where the defendant was on bond prior to the time of the trial and an application for probation is made to the Court, then the judge of such Court in his discretion may suspend the execution of the sentence, pending the disposition of the application for probation, and continue the defendant under the same bond that he was under or in his discretion may raise the bond or lower the same, pending the disposition of the application for probation and such bond shall remain in full force and effect until the application for probation is finally disposed of."

Section 2. This Act shall become effective immediately after its passage and approval by the governor or its otherwise becoming a law.

Approved: March 23, 1956.
Time: 8:44 A. M.

Act No. 29

H. 30—Murphy, Simon, Tyson

AN ACT

To provide for the use of the funds received by Mobile County under the provisions of Act No. 2, H. 47, approved May 19, 1945 (General Acts of Alabama, Regular Session, 1945, p. 20), as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or like governing body of Mobile County is hereby authorized and directed to appropriate and pay over monthly to the county board of education of Mobile County all funds received by Mobile County under the provisions of Act No. 2, H. 47, approved May 19, 1945 (General Acts of Alabama, Regular Session, 1945, p. 20), as amended, which levied a privilege tax on persons engaged in the business of producing or severing oil or gas or other hydrocarbons from the soil or the waters, or from beneath the soil or waters, of the State of Alabama. All such funds so appropriated and paid over to the county board of education shall be used exclusively for public school purposes within the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month next following its passage and approval by the Governor or its otherwise becoming a law.

Approved: March 23, 1956.

Time: 8:45 A. M.

Act No. 30

H. 78—Windle

AN ACT

Relating to counties having a population of not less than 24,000 and not more than 25,000 inhabitants according to the last or any subsequent federal decennial census, to authorize county governing bodies to pay a salary to a deputy sheriff, other than and in addition to the chief deputy sheriff holding appointment from the sheriff of such county and to pay a salary to such other Deputy Sheriff of not more than \$250.00 per month to be paid by monthly installment out of the Treasury of such counties upon the warrant of the governing body of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 24,000 nor more than 25,000 inhabitants, according to the last or any subsequent federal decennial census.

Section 2. The governing body of any county in which this act applies is hereby authorized and empowered to expend from the general fund of the county, in addition to all other sums now provided by law, for the efficient operation of the office of the sheriff of such county, to pay a salary to a Deputy Sheriff, other than and in addition to the salary paid to the Chief Deputy Sheriff of such county, holding appointment from the sheriff of such county as now provided by law, an amount not exceeding \$250.00 per month to be paid out of the County Treasury of such county upon warrant of the governing body of said county.

Section 3. This act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 23, 1956.

Time: 8:46 A. M.

Act No. 31

H. 70—Murphy, Simon, Tyson

AN ACT

To require the installation and maintenance of an improved system of indexing and recording documents affecting the title to property and recorded in the office of the Judge of Probate of any county having a population of not less than 225,000 nor more than 525,000 inhabitants, according to the last or any subsequent federal census; to provide that said system shall constitute official and permanent records in each such county; to provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in each such county; to provide for financing the initial installation of said system out of the said special recording fees and by the sale and issuance by each such county of its interest bearing warrants in anticipation of and payable solely out of said special recording fees; to require each such county to issue such warrants in an amount sufficient, when added to said special recording fees then on hand, to pay the costs of such initial installation; to authorize each such county to issue warrants in anticipation of and payable solely out of said special recording fees for the purpose of refunding any warrants issued hereunder; to authorize said special recording fees to be pledged for payment of the principal of and interest on any warrants issued hereunder; to provide that such warrants and the income therefrom shall be exempt from taxation and that such warrants may be used for investment of trust funds; and to provide for the discontinuance of said special recording fees in any such county upon payment in full of the cost of installing said system therein and upon retirement of all warrants issued in anticipation of said fees.

Be It Enacted by the Legislature of Alabama:

Section 1. **APPLICABILITY AND PURPOSE OF ACT.** This act shall apply only in counties having a population of not less than 225,000 nor more than 525,000 inhabitants, according

to the last or any subsequent federal census. The purpose of this act is to facilitate the use of public records in property transactions in each such county by providing for the installation of an improved system of indexing and recording instruments and documents affecting the title to real and personal property that are recorded in the office of the Judge of Probate of each such county.

Section 2. DEFINITIONS. The following words and phrases, wherever used in this act, shall have the following respective meanings:

"The county" means any county subject to the provisions of this act.

"Probate office" means the office of the Judge of Probate of the county.

"Code" means the Code of Alabama of 1940.

"Real property instrument" means any instrument or document affecting the title to real property that may be now or hereafter filed for record in a probate office in accordance with the applicable requirements of the laws of this state, including particularly Articles 10 and 11 of Chapter 3 of Title 47 of the Code.

"General property instrument" means a real property instrument that affects the title to personal property as well as real property.

"Personal property instrument" means any instrument or document affecting the title to personal property only (as distinguished from real property) that may be now or hereafter filed for record in a probate office, in accordance with the applicable requirement of the laws of this state, including particularly said Articles 10 and 11.

"Improved indexing and recording system" means a system of indexing and recording real property instruments and personal property instruments in a probate office which, when completed, will consist of the following: (a) a geographical file of all real property instruments at any time filed for record in the probate office, in which file such instruments are arranged and recorded on a geographical basis, such file to be supplemented by books in which are recorded, in the chronological order of their filing for record, any real property instruments which contain descriptions that cannot be geographically located by reference to the description itself and the maps hereinafter referred to and which cannot therefore be recorded in their proper place in the geographical file; (b) a system of maps covering the entire county and arranged so as to facilitate the

recording of real property instruments on a geographical basis; (c) a direct and reverse index of all real property instruments at any time filed for record in the probate office, set up as a card or strip index in strict alphabetical order based upon all the letters in a name and not merely upon the first letter thereof; (d) books in which there are recorded, in the chronological order of their filing for record, and in accordance with the provisions of Section 97 of Title 47 of the Code, as amended, all personal property instruments at any time filed for record in the probate office; (e) a direct and reverse index of all personal property instruments and general property instruments filed for record in the probate office after the initial installation of said index, set up as a card or strip index in strict alphabetical order based upon all the letters in a name and not merely upon the first letter thereof; and (f) a direct and reverse index meeting the requirements of Section 285 of Title 13 of the Code of all personal property instruments and general property instruments filed for record prior to such installation. The card or strip indexes referred to in clauses (c) and (e) of the foregoing sentence may be closed from time to time into separate chronological periods of not less than ten years each.

“Initial installation costs” means the costs of the initial installation of an improved indexing and recording system and shall be deemed to include all expenses incurred in the issuance of warrants to finance such installation, including fees of fiscal agents and attorneys.

Section 3. INSTALLATION AND MAINTENANCE OF SYSTEM. The Court of County Commissioners, Board of Revenue, or like governing body of the county is hereby authorized, directed and required to provide for the installation, and thereafter for the maintenance, of an improved indexing and recording system in the probate office of the county. The initial installation of the improved indexing and recording system shall include the following: (a) the photographing (or re-photographing), with any reduction in size that the Judge of Probate of the county may deem appropriate and convenient, and the rearrangement on a geographical basis, of the public records of all real property instruments then of record in the probate office of the county; provided, that any real property instruments then of record containing descriptions that cannot be geographically located by reference to the description itself and the maps referred to in the succeeding clause (b) shall be recorded in well bound books in the chronological order in which they were filed for record; (b) the establishment of maps covering all areas of the county, not then adequately covered by maps or plats in the probate office, in such manner as to facilitate the arrangement on a geographical basis of the public record of real

property instruments; (c) the establishment of procedures and equipment for maintaining the said maps, with such revisions and replacements as may from time to time be necessary; (d) the establishment of a strict alphabetical card index or strip index, both direct and reverse, of all real property instruments then of record in the probate office of the county and the establishment of procedures and equipment for the continued indexing in such card or strip index of all real property instruments thereafter filed; provided, that said index may be closed and divided into portions limited in coverage to a decade or longer chronological period; (e) the establishment of procedures and equipment for photographing, in such reduced size, if any, as the Judge of Probate may deem appropriate and convenient, all real property instruments and personal property instruments that shall be filed for record after completion of the said initial installation; (f) the establishment of procedures and equipment for recording on a geographical basis all real property instruments thereafter filed for record (except instruments containing descriptions that cannot be geographically located by the terms of the instrument and the aforesaid maps); (g) the establishment of procedures and equipment for recording in books, in the chronological order of their filing, real property instruments thereafter filed for record which contain descriptions that cannot be geographically located as aforesaid; (h) the establishment of procedures and equipment for recording in books, in the chronological order of their filing, all personal property instruments thereafter filed for record; and (i) the establishment of procedures and equipment for the maintenance of an alphabetical card index or strip index, both direct and reverse, of all personal property instruments and general property instruments that may be filed for record after installation of said index; provided, that said index may from time to time be closed and divided into portions covering a period of not less than a decade. The initial installation of the improved indexing and recording system shall be under the supervision of a person, firm or corporation engaged in the records management business and experienced in setting up county records. Following its installation in the county, the improved indexing and recording system shall be thereafter maintained in the county and all real property instruments and personal property instruments that may be thereafter filed for record in the probate office of the county shall be photographed, indexed, and recorded in accordance with the aforesaid improved indexing and recording system. Each real property instrument or personal property instrument shall be operative as a record from the time of its delivery to the Judge of Probate of the county, in accordance with the provi-

sions of existing law, including particularly Section 98 of Title 47 of the Code.

Section 4. OFFICIAL AND PERMANENT RECORDS, WHAT CONSTITUTES. (a) Record of Instruments. Upon completion of the installation of the improved indexing and recording system in the county, the geographical instruments file and the books supplemental thereto (for real property instruments that cannot be located geographically, as aforesaid) shall constitute the official record of real property instruments for the purposes of Articles 10 and 11 of Chapter 3 of Title 47 of the Code and all other purposes; and the record of real property instruments made in books prior to such installation shall no longer constitute official records. Following such installation, real property instruments shall no longer be recorded in books. The record of personal property instruments made in books prior to completion of the installation of the improved indexing and recording system shall continue to constitute the official record of such personal property instruments. After such installation personal property instruments shall continue to be recorded in books, as herein provided and in accordance with the provisions of Section 97 of Title 47 of the Code and such books shall constitute the official record of personal property instruments. (b) Indexes. Upon completion of the installation of the improved indexing and recording system in the county, the card or strip indexes established and prepared as a part of the improved indexing and recording system shall constitute the permanent records of the county and shall constitute official records to the same extent as indexes prepared pursuant to the provisions of Section 285 of Title 13 of the Code. The books of indexes of real property instruments theretofore prepared and maintained in the county under the provisions of the said Section 285 may, upon completion of the installation of the improved indexing and recording system, be discarded and destroyed. The books of indexes of personal property instruments theretofore prepared and maintained under the provisions of the said Section 285 shall continue to be held as permanent records of the county. Following installation of the improved indexing and recording system, neither real property instruments nor personal property instruments shall any longer be indexed in books pursuant to the provisions of the said Section 285.

Section 5. APPLICABILITY OF EXISTING LAWS. All provisions of the laws of Alabama with respect to the recording of real property instruments and personal property instruments, including particularly the provisions of Articles 10 and 11 of Chapter 3 of Title 47 of the Code, that are not inconsistent with

the provisions of this act shall continue in effect with respect to an improved indexing and recording system installed hereunder, the recording and indexing of instruments therein, and the duties of the Judge of Probate with respect thereto.

Section 6. AUTHORIZATION TO ISSUE WARRANTS. The governing body of the county is hereby authorized to sell and issue interest bearing warrants of the county for the purpose of paying all or any part of the costs of the installation of an improved indexing and recording system in the county; and the governing body of the county is hereby directed and required to issue such warrants in such principal amount as the governing body shall determine will make available moneys sufficient, when added to the amount of the special recording fees hereinafter provided for that will be on hand for such purposes, to pay the costs of such installation. The governing body of the county shall have the power at any time and from time to time to issue, by either sale or exchange, warrants of the county for the purpose of refunding any warrants then outstanding that were issued under the provisions of this act. Any warrants issued under this act shall be limited obligations of the county and shall be issued in anticipation of and shall be payable solely out of the special recording fees hereinafter provided for. The general faith and credit of the county shall not be pledged to the payment of any such warrants, nor shall they be general obligations of the county. Each such warrant shall contain on its face a statement that such warrant is payable solely out of said special recording fees and that it does not constitute a general obligation of the county. No warrant issued hereunder shall constitute a debt of the county within the limitations of any constitutional limitation or provision. Any warrants issued under this act may be in one or more series, may be in such denomination or denominations, may bear such date or dates, may have such maturity or maturities not exceeding thirty years from their date, may bear interest at such rate or rates, may be made payable at such place or places whether within or without the state, and may be sold at such time or times and in such manner, all as the governing body of the county shall determine most advisable by resolution or order duly adopted at any lawful meeting of such governing body. As security for the payment of the principal of and interest on any warrants issued hereunder, the county is authorized to assign and pledge for the benefit of the holders of said warrants so much as may be necessary for such purpose of the said special recording fees. All such pledges shall take precedence in the order in which they are made; provided, however, that any resolution or order authorizing warrants hereunder may expressly provide for the subse-

quent issuance of warrants to be secured by a pledge on a parity with the pledge made in the said resolution or order; and provided, further, that unless the proceedings authorizing any refunding warrants issued hereunder shall otherwise provide, any such refunding warrants shall be subrogated and entitled to all the priorities, rights and pledges to which the warrants refunded thereby were entitled. Each such warrant shall be drawn on the county treasurer or county depository, shall constitute an order for the payment thereof out of the revenues derived from the said special recording fees, and shall be executed in such manner and by such officer or officers of the county as the governing body thereof shall prescribe. Any such warrants that bear the signatures of officers of the county who were in office on the date of the signing thereof shall be valid and binding notwithstanding that before the delivery thereof and payment therefor the persons whose signatures appear thereon may have ceased to be officers of the county.

Section 7. COVENANTS AS TO USE OF FEES. Any resolution or order authorizing the issuance of warrants under this act may contain covenants as to the application and expenditure of the proceeds of the sale of said warrants, and as to the use and disposition of the said special recording fees, including the creation and maintenance of reserves for payment of the principal of and interest on such warrants.

Section 8. WARRANTS EXEMPT FROM TAXATION AND ELIGIBLE AS TRUST INVESTMENTS. Warrants issued hereunder and the income therefrom shall be exempt from all taxation in this state. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in warrants issued hereunder.

Section 9. INSTALLATION OF SYSTEM SELF-LIQUIDATING. No moneys owned or controlled by the county, other than the said special recording fees and the proceeds from the sale of warrants issued hereunder, shall be applied by the county for payment of any part of the initial installation costs; and the initial installation costs shall be paid entirely out of the said fees and the proceeds of warrants issued hereunder.

Section 10. PROCEEDS FROM THE SALE OF WARRANTS. The principal proceeds received from the sale of any warrants issued hereunder, other than refunding warrants, shall

be used only to pay the initial installation costs; provided, that if any part of such principal proceeds shall not be necessary for said purpose then the unexpended portion thereof shall be applied to the payment of the principal of said warrants. The principal proceeds from the sale of any refunding warrants that may be issued hereunder shall be used only for payment of the expenses of their issuance, including any fees of fiscal agents and attorneys, for refunding the principal of and interest on outstanding warrants issued hereunder, and for payment of any premium that may be necessary to be paid in order to redeem or retire the warrants to be refunded. All accrued interest and premium received in the sale of any warrants issued hereunder shall be applied for payment of interest and principal of the warrants sold.

Section 11. SPECIAL RECORDING FEES. On and after the date this act becomes applicable to the county, a special recording fee of \$1.00 shall be paid to the county, and collected by its Judge of Probate, with respect to each real property instrument and each personal property instrument that may be filed for record in the office of said Judge of Probate, and, on and after such date, no such instrument shall be received for record in the office of said Judge of Probate unless the said special recording fee of \$1.00 is paid thereon. Said special recording fee shall be in addition to all other fees, taxes and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument. All special recording fees so collected shall be covered into the county treasury, and shall be credited to the account of a special fund to be expended solely for payment of initial installation costs and for payment of the principal of and interest on warrants issued by the county in anticipation of the said special recording fees. When the initial installation costs shall have been paid in full, and when all of the principal of and interest on all warrants (including any refunding warrants) that may be issued by the county in anticipation of the said special recording fees shall have been paid in full or full provision for payment of such principal and interest shall have been made, then the said special recording fees shall be discontinued in the county and any real property instruments or personal property instruments that are thereafter filed for record in the county shall be received for record without payment of the said special recording fee.

Section 12. SEVERABILITY. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. REPEAL OF CONFLICTING LAWS. All laws or parts of laws which conflict with this act are, to the extent of such conflict, repealed.

Section 14. EFFECTIVE DATE. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved: March 23, 1956.

Time: 8:47 A.M.

Act No. 32

S. 15—Lamberth, Eddins, Robison, Cooper, Roberts, Calvin, Allen, Van Antwerp, Flow-ers, Reeves, Givhan, Skidmore, Smith, Boutwell and Vann.

AN ACT

To amend Act No. 343, H. 211, approved September 5, 1955 (General Acts of Alabama, 1955, page 769) entitled An Act "To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1956, and September 30, 1957, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of the Alabama Polytechnic Institute, the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Trustees of the Alabama Boys Industrial School, the Board of Trustees of the Alabama Industrial School for Negroes, the Board of Trustees of the State Training School for Girls, the Alabama Educational Television Commission, and for the Teachers' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. That Act No. 343, H. 211, approved September 5, 1955 (General Acts of Alabama, 1955, page 769) entitled An Act "To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1956, and September 30, 1957, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of the Alabama Polytechnic Institute, the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Trustees of the Alabama Boys Industrial School, the Board of Trustees of the Alabama Industrial School for Negroes, the Board of Trustees of the State Training School for Girls, the Alabama Educa-

tional Television Commission, and for the Teachers' Retirement System", be and the same is amended to read as follows:

"Section 1. The following appropriations from the Alabama Special Educational Trust Fund are hereby made for the support of public education in Alabama; and, except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55, of the Code of Alabama 1940). If the revenues and receipts of the Alabama Special Educational Trust Fund are not sufficient to pay in full the appropriations herein made and proration becomes necessary on account of such deficiency, any appropriation specifically reduced by this Act shall not be reduced further until all unrevised appropriations, and every appropriation which has had a less reduction percentage-wise, shall have had an equal percentage reduction, any provision of said Budget and Financial Control Act to the contrary notwithstanding.

Section 2. DEPARTMENT OF EDUCATION. There is hereby appropriated for each of the fiscal years 1955-56 and 1956-57 to the Department of Education the following amounts:

For the fiscal year ending September 30, 1956:

Salary of the State Superintendent	\$ 10,000.00	
Other salaries	234,700.00	
Other expenses	128,593.00	
Equipment purchases	1,000.00	
Transfer to State Personnel Department	3,707.00	
Total		378,000.00
For Plans and Surveys		22,500.00

For the fiscal year ending September 30, 1957:

Salary of the State Superintendent.....	10,000.00	
Other salaries	234,700.00	
Other expenses	128,492.00	
Equipment purchases	1,000.00	
Transfer to State Personnel Department	3,808.00	
Total		378,000.00
For Plans and Surveys		22,500.00

Section 3. REVOLVING FUND. There is hereby appropriated to the State Board of Education for each of the fiscal years ending September 30, 1956 and September 30, 1957, the sum of \$40,000.00 to be known as the Revolving Fund to be expended to relieve emergency conditions that arise in connection with the operation of the public schools, or in otherwise aiding the public

schools in accordance with the provisions of statutes relating to the expenditure of such fund.

Section 4. MINIMUM PROGRAM FUND. In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1956 the sum of \$76,268,660.00, and for the fiscal year ending September 30, 1957 the sum of \$81,582,760.00 to be known as the Minimum Program Fund, which, in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education, shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that of the amount herein appropriated for the Minimum Program Fund for the fiscal year ending September 30, 1956 not less than the sum of \$65,575,826.00, which shall include all moneys earmarked for public school teachers salaries as provided in the Income Tax Amendment ratified on the 26th day of August 1947, shall be expended only for payment of teachers salaries and for sick leave for the fiscal year ending September 30, 1956. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

Section 5. FREE TEXTBOOKS. There is hereby appropriated to the State Board of Education for each of the fiscal years ending September 30, 1956 and September 30, 1957, the sum of \$450,000.00 to be expended for the purpose of furnishing free textbooks in the tax-supported public elementary schools of the State in accordance with the statutes and regulations of the State Board of Education in regard thereto.

Section 6. ALABAMA COLLEGE:

For the operation and maintenance of the College	570,000.00
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Section 7. UNIVERSITY OF ALABAMA:

A. The University:

- | | |
|--|--------------|
| (1) For operation and maintenance | 3,325,000.00 |
| (2) For School of Nursing | 48,000.00 |
| (3) Tuberculosis Nursing (Education) | 20,900.00 |

B. The University of Alabama Medical Center:

- | | |
|---|------------|
| (1) For the Medical College and School of Nursing, for maintenance and operation | 930,000.00 |
| (2) For expense to Jefferson-Hillman Hospital for indigent patient treatment during instruction of medical students | 465,000.00 |
| (3) For the School of Dentistry, for maintenance and operation | 542,000.00 |
| (4) For clinical psychology and psychiatry | 45,000.00 |

The above appropriation for the Alabama Medical Center shall be expended pursuant to the provisions of Act No. 89, 1943 Acts, page 89, and Section 9 of Act No. 207, 1945 Acts, page 325

C. Research and Extension:

For research and extension work	185,000.00
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The above appropriation shall be expended pursuant to the provisions of Act No. 157, 1943 Acts, page 142.

Section 8. ALABAMA POLYTECHNIC INSTITUTE:

A. The College

- | | |
|--|--------------|
| (1) For operation and maintenance | 2,928,500.00 |
| (2) For operation and maintenance of Farm Machinery Building | 12,000.00 |
| (3) Engineering Experiment Station | 81,500.00 |

B. School of Forestry:

- | | |
|--|-----------|
| (1) For instruction in forestry and training for agricultural students | 41,500.00 |
| (2) For research in forestry | 34,000.00 |

The above appropriations to the School of Forestry shall be expended pursuant to the provisions of Act No. 294, 1945 Acts, page 488.

C. Extension Work for Agriculture and Home Economics:

- | | |
|---|------------|
| (1) For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services | 886,700.00 |
| (2) For extension service marketing specialists, for salaries and expenses | 80,000.00 |

The appropriation herein made to the Extension Service shall be expended under the direction of the Board of Trustees of the Alabama Polytechnic Institute through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal Government.

D. Agricultural Research:

- | | |
|---|------------|
| (1) Alabama Agricultural Experiment Station at Auburn, for work and experimentation | 562,800.00 |
| (2) For floriculture and ornamental horticulture study and research | 15,300.00 |
| (3) Tennessee Valley Branch Station located at Bell Mina in Limestone County | 18,600.00 |
| (4) Sand Mountain Branch Station located at Crossville in DeKalb County | 18,600.00 |
| (5) Black Belt Branch Station located at Marion Junction in Dallas County | 21,000.00 |
| (6) Wiregrass Branch Station located at Headland in Henry County | 18,600.00 |
| (7) Gulf Coast Branch Station located at Fairhope in Baldwin County | 21,000.00 |
| (8) Piedmont Experiment Branch Station | 21,000.00 |
| (9) Upper Coastal Plains Branch Station | 21,000.00 |
| (10) Lower Coastal Plains Branch Station | 21,000.00 |
| (11) For the support of researches and experiments on experiment fields | 31,800.00 |
| (12) Horticultural Branch Station in Chilton County | 18,600.00 |
| (13) Horticultural Branch Station in North Alabama | 18,600.00 |
| (14) Wiregrass Experiment Station at Headland, Alabama | 12,750.00 |

(The appropriation to the Wiregrass Experiment Station at Headland, Alabama is to be devoted to the payment of salaries and other expenses incidental to conducting experiments and research in developing methods of producing, harvesting, marketing, and processing peanuts and preventing damage to peanut crops.)

- | | |
|--|-----------|
| (15) Co-operative research at the Agricultural
and Experimental Substations | 47,500.00 |
| (16) Research on Pink Boll Worm | 15,000.00 |

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (D) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of the Alabama Polytechnic Institute, who shall make a complete report to the Board of Trustees of the Alabama Polytechnic Institute for each of the fiscal years ending September 30, 1956 and September 30, 1957.

The funds provided in this sub-section (D) shall be used for the support of researches, experiments, and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production, marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants, for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaptation and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease, and insect pests; for researches and experiments dealing with forest production, management and use; for researches dealing with soil erosion and problems arising from the waste of land due to soil erosion; for researches to discover new uses of land; for the provisions of necessary land, buildings, fencing, livestock and other physical equipment needed for the research work herein provided for; for researches in game and fish production; provided, however, that any researches in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department

of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable, and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

E. Education Television 81,500.00

Section 9. TEACHERS' RETIREMENT SYSTEM:

For each of the fiscal years ending September
30, 1956 and September 30, 1957 4,575,000.00

TEACHERS' SPECIAL PENSION FUND:

For the fiscal year ending September 30, 1956..... 555,000.00
For the fiscal year ending September 30, 1957..... 655,000.00

The above appropriations shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund and Teachers' Special Pension Fund.

**Section 10. ALABAMA STATE COLLEGE
FOR NEGROES:**

For the operation and maintenance of the
College 775,000.00

**Section 11. AGRICULTURAL AND MECHANICAL
INSTITUTE AT NORMAL, ALABAMA:**

For the operation and maintenance of the
Institute 605,000.00

Section 12. THE TEACHERS COLLEGES:

(a) State Teachers College at Florence 95,500.00
(b) State Teachers College at Jacksonville 95,500.00
(c) State Teachers College at Livingston 88,500.00
(d) State Teachers College at Troy 88,500.00

**Section 13. ALABAMA INSTITUTE FOR DEAF
AND BLIND:**

For the maintenance, support, insurance
and upkeep 773,192.00

For salaries and expenses incident to instruction of Adult Blind, for the fiscal year ending September 30, 1956	109,000.00
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For salaries and expenses incident to instruction of Adult Blind, for the fiscal year ending September 30, 1957	85,000.00
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Section 14. VOCATIONAL TRADE SCHOOLS:

For operation and maintenance:

(a) Napier	121,000.00
(b) Wenonah	132,000.00
(c) Tuscaloosa	117,000.00
(d) Mobile	125,000.00
(e) Decatur	166,500.00
(f) Alabama School of Trades and Industries	144,000.00

Section 15. ALABAMA BOYS' INDUSTRIAL SCHOOL:

For the maintenance, support, insurance and up-keep of the Alabama Boys' Industrial School	232,000.00
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Section 16. ALABAMA INDUSTRIAL SCHOOL FOR NEGROES:

For maintenance, support, insurance and up-keep of the Alabama Industrial School for Negroes	180,000.00
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Section 17. STATE TRAINING SCHOOL FOR GIRLS:

For the maintenance, support, insurance and up-keep of the State Training School for Girls, for the fiscal year ending September 30, 1956	108,000.00
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For the maintenance, support, insurance and up-keep of the State Training School for Girls, for the fiscal year ending September 30, 1957	120,000.00
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Section 18. ALABAMA EDUCATIONAL TELEVISION COMMISSION:

For salaries, other expenses and equipment purchases incident to the operation of the Commission and its Television Network	195,000.00
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Section 19. MISCELLANEOUS:

A. Civilian Rehabilitation:

Handicapped individuals	561,000.00
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(No administrative costs included herein.)

B. Elementary Teachers'

Scholarship Fund	25,000.00
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C. Illiteracy Fund:

For salaries	5,280.00	
For other expenses	1,000.00	
For disbursement to Counties	3,720.00	
Total		10,000.00

D. Physical Restoration of
Crippled Children:

For salaries	45,000.00	
For other expenses	17,000.00	
Reimbursement to Local Boards for Districts Offices	15,000.00	
Handicapped Individuals	394,000.00	
Total		471,000.00

E. Regional Education	76,250.00
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F. Student Aid in graduate and professional fields	82,500.00
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G. Teacher Training Equalization Fund:

For the teacher training program at State Teachers Colleges at Florence, Jack- sonville, Livingston and Troy	1,215,000.00
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H. Vocational Education:

For salaries	25,920.00	
For other expenses	16,807.50	
For equipment purchases	2,500.00	
Disbursements to Local Boards and Institutions	3,854,772.50	
Total		3,900,000.00

I. Minimum Program Fund, Institutions of Higher Learning
and Trade Schools.

The surplus remaining in the state treasury to the credit of the Alabama Special Educational Trust Fund after the payment in full of all appropriations made payable from said fund during the fiscal year ending September 30, 1955, is hereby appropriated for the following uses and purposes:

To the Minimum Program Fund the sum of \$1,906,309.99, to the Institutions of Higher Learning and Trade Schools the sum of \$519,902.73 and the balance to the Minimum Program

Fund to be used for the payment of schools teachers' salaries only for the fiscal year ending September 30, 1956. Such surplus shall not be transferred to the Alabama Special Educational Trust Fund Surplus Account, nor to the Alabama State Building Commission or the Building Commission Fund, the provisions of Act No. 813, S. 22, approved September 19, 1953, or of any other law to the contrary notwithstanding.

Section 20. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, upon approval by the Governor, shall issue his warrant therefor; provided, that all appropriations and funds made available to the Alabama College, the University of Alabama, the Alabama Polytechnic Institute, the Institute for the Deaf and Blind, the Boys' Industrial School, the Alabama Industrial School for Negroes, the State Training School for Girls, the Alabama Educational Television Commission and for the Teachers' Retirement System by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 21. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 22. All laws and parts of laws, general, special, private or local, in conflict with the provisions of this Act are hereby expressly repealed. Act No. 813, S. 22, approved September 19, 1953, which is in conflict with Subsection 1 of Section 19 of this Act, is also expressly repealed."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 23, 1956.

Time: 8:48 A.M.

Act No. 33

S. 35—Skidmore

AN ACT

To amend Act Number 427. of the General Acts of Alabama approved September 9, 1955, entitled an Act to apply in all counties of

this state having a population of not less than 94,000 and not more than 134,000 according to the latest or any subsequent Federal decennial census, and to further regulate the number of meetings allowed to be held by the County Boards of Education in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Act Number 427. of the General Acts of Alabama of 1955, approved September 9, 1955, and entitled an Act to apply in all counties of this state having a population of not less than 94,000 and not more than 134,000 according to the latest or any subsequent Federal decennial census and to further regulate the number of meetings allowed to be held by the County Boards of Education in such counties, be and the same hereby is amended so as to read as follows:

Section 1. "This Act apply in all counties of Alabama having a population of not less than 94,000 and not more than 134,000 according to the latest or any subsequent Federal decennial census.

Section 2. That in addition to the number of meetings held annually by the County Boards of Education in such counties, such Boards are hereby authorized to meet within their own discretion one hundred additional days during the year 1955 and one hundred additional days during the years 1956, 1957, and 1958.

Section 3. The same per diem and expenses shall be paid to the members of such Boards for each meeting as is now provided by law.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or otherwise becoming a law and shall be repealed by the operation of law, the 31st day of December, 1958."

Approved: March 23, 1956.

Time: 8:49 A. M.

Act No. 34

S. 39—Boutwell

AN ACT

To amend Section 1 of Act Number 419 of the 1953 session of the Legislature of Alabama approved August 27, 1953 (General Acts of Alabama, Regular Session 1953, page 520) entitled "An Act Relating to the filling of vacancies upon the governing body of any city which may now or hereafter have a population of 300,000 or more inhabitants according to the last or any succeeding federal census".

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act Number 419 of the 1953 session of the Legislature of Alabama approved August 27, 1953 (General Acts of Alabama Regular Session 1953, page 520) entitled "An Act Relating to the filling of vacancies upon the governing body of any city which may now or hereafter have a population of 300,000 or more inhabitants according to the last or any succeeding federal census", be and said Section 1 is hereby amended so as to read as follows:

Section 1. Whenever any vacancy or vacancies shall occur in any place or places upon the governing body of any city which may now or hereafter have a population of 300,000 or more inhabitants according to the last or any succeeding Federal census, by death, resignation, removal, or any other cause, the election commission of such city shall forthwith call a special election to fill such vacancy or vacancies, such election to be held not less than twenty and not more than thirty days from the occurrence of such vacancy or vacancies. Notice of such election shall be given at the expense of such city by one publication at least eighteen days in advance of the same in one or more newspapers published in such city. The method, procedure and requirements of qualifying, voting upon and determining the successful candidate or candidates shall be the same as is provided by law relative to the election of members of the governing body of such city in quadrennial elections, except that statements of candidacy must be filed at least fifteen days before the date set for such election, and except that if a second election or runoff is required to fill such vacancy or vacancies such second election or runoff shall be held on the same day four weeks later. Successors to any member or members of the governing body of any such city chosen at any such election shall qualify for office as soon as practicable thereafter, and shall be clothed with and assume the duties, responsibilities, and powers of such office immediately upon such qualification, and shall hold office for the unexpired term of their predecessor or predecessors, unless such term be sooner terminated by recall as provided by law.

Approved: March 23, 1956.

Time: 8:50 A. M.

Act No. 35

H. 15—Meeks, Nice, Perry

AN ACT

To authorize service of certain notices, subpoenas, citations and other writings by certified mail in lieu of service thereof by registered mail.

Be It Enacted by the Legislature of Alabama:

Section 1. In any case or matter in which the giving or serving of any notice, subpoena, citation or other writing by registered mail is authorized or required by law such notice, subpoena, citation or other writing may be given or served by certified mail in lieu of registered mail. The person mailing such notices, subpoenas, citations or other writings shall stipulate that the delivery thereof shall be limited to the addressee only in those instances in which the law requires such limited delivery when service is by registered mail and shall demand a "return receipt" in those instances in which the law requires a "return receipt" when service is by registered mail. Whenever any statute authorizes or requires giving or serving any notice, subpoena, citation or other writing by registered mail such statute shall be construed to authorize such giving or serving thereof also by certified mail.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 23, 1956.

Time: 8:51 A. M.

Act No. 36

H. 32—Murphy, Simon, Tyson

AN ACT

To amend Act No. 369, H. 952, approved September 7, 1955 (Acts of Alabama, Regular Session, 1955, p. 892), entitled "An Act Relating to Mobile County; levying a privilege license tax upon every person, firm, or corporation selling, delivering, or withdrawing from storage or keeping in storage for sale or delivery in Mobile County, any gasoline, naphtha, and other liquid motor fuels, or any devices or substitutes therefor, commonly used in internal combustion engines, but not including 'kerosene oil,' 'fuel oil,' or 'crude oil' commonly used for lighting, heating, or industrial purposes; providing that the amount of any municipal excise tax levied on such motor fuels and paid to any municipality in Mobile County shall be a credit toward the payment of the tax levied by this Act; providing for the enforcement and collection of the tax; providing for the distribution of the proceeds thereof among the county and the incorporated cities and towns in the county; and prescribing penalties for violation of this Act."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 369, H. 952, approved September 7, 1955 (Acts of Alabama, Regular Session, 1955, p. 892),

entitled "An Act Relating to Mobile County; levying a privilege license tax upon every person, firm, or corporation selling, delivering, or withdrawing from storage or keeping in storage for sale or delivery in Mobile County, any gasoline, naphtha, and other liquid motor fuels, or any devices or substitutes therefor, commonly used in internal combustion engines, but not including 'kerosene oil,' 'fuel oil,' or 'crude oil' commonly used for lighting, heating, or industrial purposes; providing that the amount of any municipal excise tax levied on such motor fuels and paid to any municipality in Mobile County shall be a credit toward the payment of the tax levied by this Act; providing for the enforcement and collection of the tax; providing for the distribution of the proceeds thereof among the county and the incorporated cities and towns in the county; and prescribing penalties for violation of this Act," is amended to read as follows:

"Section 1. There is hereby levied a county privilege or license tax upon every person, firm or corporation selling, delivering, or withdrawing from storage or keeping in storage for sale or delivery in Mobile County, any gasoline, naphtha, or other liquid motor fuels, or any device or substitutes therefor, commonly used in internal combustion engines, including Diesel oil, tractor fuel, gas oil, distillate or liquefied gas, kerosene, jet fuel, or any substitutes or devices therefor, when sold, distributed, stored, or withdrawn from storage in Mobile County for use in the operation of any motor vehicle upon the highways, but not including 'kerosene oil,' 'fuel oil,' or 'crude oil' commonly used for lighting, heating, or industrial purposes, in an amount equal to two cents (\$.02) per gallon sold, delivered, withdrawn from storage, or kept in storage for sale or delivery. Provided, however, that the tax provided for by this Act shall not be levied or paid on the sales of such motor fuels in interstate commerce, or to the federal government or any agency of the federal government, or to the State of Alabama, or to any incorporated municipality for municipal purposes, or to the court of county commissioners, board of revenue, or like county governing body of Mobile County for county purposes, or to the county board of education of Mobile County for the use or purposes of such board, or for use in operating or propelling tractors used exclusively for agricultural purposes, or for use in operating or propelling commercial fishing boats, or to such motor fuels which are withdrawn from storage within Mobile County for delivery only to a point or points outside Mobile County, when the distributor or seller of such motor fuels prepares and files with the tax collector of Mobile County written statements sworn and subscribed to showing the name and address of the

person and to whom such motor fuels are or have been delivered by the distributor or seller, the volume and kind of such motor fuels and the dates of such withdrawals, and the point or points outside the county to which the motor fuels are delivered, or are to be delivered. Where the excise tax levied herein upon the sale, use, distribution, storage, or withdrawal from storage in Mobile County of such motor fuels shall have been paid to the tax collector of Mobile County by any person, firm, or corporation, such payment shall be sufficient, the intent being that the tax shall be paid but once."

Section 2. Section 2 of said Act No. 369, H. 952, approved September 7, 1955, is amended to read as follows:

"Section 2. Every person, firm or corporation upon whom the taxes levied by this Act are imposed shall, on or before the twentieth day of each month, file with the tax collector of Mobile County, on forms to be prescribed by the county governing body, a written statement, sworn and subscribed to, which shall show: 1) the name and address of the taxpayer; 2) the amount of all sales and withdrawals of motor fuels liable for payment of the tax levied herein made during the next preceding month; 3) the amount of the sales or withdrawals of such motor fuels which are not subject to the tax, or are not to be used as a measurement of the taxes due by such taxpayer, and the nature thereof; and 4) such other information as the county governing body may demand. At the time of making such monthly statement or report, each taxpayer shall compute the amount of taxes due, and shall pay to the tax collector of Mobile County the amount of the taxes shown to be due; provided, however, that the amount of any municipal excise tax levied on such motor fuels and paid to any municipality in Mobile County shall be allowed as a credit toward and shall be deducted from the amount of the tax due the county under the provisions of this Act, when the distributor or seller of such motor fuels prepares and files with the tax collector of Mobile County written statements sworn and subscribed to showing the volume and kind of such motor fuels on which a municipal excise tax has been paid, the amount of such tax paid each municipality, and the name of the municipality to which paid."

Section 3. Section 4 of said Act No. 369, H. 952, approved September 7, 1955, is amended to read as follows:

"Section 4. The governing body of Mobile County shall promulgate and adopt such rules and regulations and pay from the county treasury such expenses as are necessary for the enforcement and collection of the tax levied herein."

Section 4. Section 5 of said Act No. 369, H. 952, approved September 7, 1955, is amended to read as follows:

"Section 5. The proceeds of the tax levied herein shall be paid by the tax collector as follows: 1) One-half of such proceeds shall be paid into the road and bridge fund of Mobile County; and 2) one-half of such proceeds shall be pro rated among the incorporated cities and towns within Mobile County, on the basis of the population of such cities or towns, less a commission charged each municipality for the collection of its pro rata share. The exact amount of the commission shall be fixed by the court of county commissioners, board of revenue, or like county governing body of Mobile County, but shall not exceed the rate of three per cent. Such commissions shall be paid into the General Fund of Mobile County."

Section 5. Section 7 of said Act No. 369, H. 952, approved September 7, 1955, is amended to read as follows:

"Section 7. Any person, firm, or corporation who fails to pay the tax herein levied within the time required by this Act shall pay in addition to the tax, a penalty of 10 per cent of the amount of tax due, together with interest thereon at the rate of one-half of one per cent per month, or fraction thereof, from the date at which the tax herein levied became due and payable, such penalty and interest to be assessed and collected as a part of the tax. The tax herein levied, together with the interest and penalties imposed by this Act, shall be a lien on the property of any person, firm, or corporation subject to the provisions of this Act, and the provisions of the revenue laws of the State of Alabama applying to liens for the collection of license taxes shall apply fully to the taxes herein levied."

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 23, 1956.

Time: 9:00 A. M.

Act No. 37

H. J. R. 21—Steagall

HOUSE JOINT RESOLUTION

WHEREAS, Miss Charlotte Adams of Ozark, Alabama, has received the signal honor of being named "Princess from this State" for the "Cherry Blossom Festival" to be held in Washington, D. C., early in April, and

WHEREAS, if beauty, charm, poise and talent were all that were needed to become the Queen of the Cherry Blossom Festival, surely Miss Adams would reign over this festival for she has proved her charm and talent in many beauty competitions on many occasions, and

WHEREAS, the Queen of this festival is to be determined by lucky chance on April 6, when a huge wheel will be twirled and allowed to stop on the lucky number:

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

The Legislature of Alabama hereby:

1. Extends to Miss Adams a sincere wish that fate will smile on her when the wheel is twirled during the Festival Ball on Friday night, April 6, and that it will stop on her number so she will reign as Queen over the Cherry Blossom Festival this year.

2. Assures Miss Adams that Alabama is justly proud of her beautiful "Princess," and is grateful for the glory that will redound to Alabama from her participation in this event.

3. Congratulates the Alabama State Society and particularly Mr. Thomas W. McGregor, President of the Alabama Society, on their choice of a representative from this State and the splendid manner in which they plan to honor Miss Adams during the Festival week.

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives is directed to transmit a copy of this Resolution to Miss Charlotte Adams, a copy to Mr. Thomas W. McGregor, Barr Building, Washington, D. C., a copy to the National Cherry Blossom Festival Committee, 1616 K Street, NW, Washington, D. C., and to release a copy of it to the press.

Approved: March 23, 1956.

Time: 9:01 A. M.

Act No. 38

S. 19—Shelton and Skidmore

AN ACT

Proposing an amendment to the Constitution authorizing the Legislature to levy and impose upon every corporation organized under the laws of Alabama, and upon every foreign corporation doing business in the State, a net income tax for state purposes at a rate not exceeding five percent.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

PROPOSED AMENDMENT

The Legislature shall have power to levy and impose a tax for State purposes on net income from whatever source derived within this State upon every corporation organized under the laws of Alabama, and upon every foreign corporation doing business in Alabama, and to designate and define the incomes to be taxed and to fix the rates of taxes provided that the rate shall not exceed five percentum of the amount of the entire net income. Such taxes shall be first assessed, collected, and paid upon and with respect to taxable income earned on and after January 1, 1956. The provisions of Amendment XXV as ratified August 2, 1933 which are inconsistent with this amendment are hereby expressly repealed.

Section 2. An election shall be held upon the proposed amendment on Tuesday, August 28, 1956. The election shall be held, conducted, and regulated in all respects by the provisions of law relating to the holding of general elections, and of elections on constitutional amendments, as prescribed in Title 17, Code 1940, as amended.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the Senate March 14, 1956.

Passed the House March 20, 1956.

Act No. 39

H. 100—Oden

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the industrial development of Franklin County and the municipalities therein.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

PROPOSED AMENDMENT

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, Franklin County, or any municipality in Franklin County, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend this credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of Franklin County, or the municipality therein, as the case may be, or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property there-

in as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in Franklin County, or upon all property in the municipality, as the case may be, or upon all property in any district the boundaries of which the governing body of the county or the municipality, as the case may be, shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body, and subject to such limitations as the governing body of the county or the governing body of the municipality, as the case may be, may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon Franklin County or any municipality therein.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of Franklin County or any municipality therein for the purpose of determining the borrowing capacity of the county or any such municipality, as the case may be, under Sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in Sections 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act

to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

"10. Neither Franklin County, nor any municipality in Franklin County, shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county or of the municipality therein, as the case may be. The governing body of the county, or of the municipality, as the case may be, may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks."

Section 2. An election shall be held upon the proposed amendment on the fourth Tuesday in August, 1956, unless that day arrives before the expiration of three months from final adjournment of the current session of the Legislature, in which event the election shall be held on the same day as the next general election, in November, 1956.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House March 14, 1956.

Passed the Senate March 21, 1956.

Act No. 40

S. 4—Van Antwerp

AN ACT

To establish and create a court of record for Mobile County in lieu of the Inferior Criminal Court of Mobile County to be known as The Court of General Sessions of Mobile County; to provide and define the jurisdiction of said court and the terms thereof; to provide for the two judges and the officers of said court and their powers, duties and compensation, to fix the term of office of such judges; to provide rules of procedure and to fix the fees and costs of such court; to provide for the transfer of cases from the Inferior Criminal Court to the court hereby created; and to effect the repeal of the acts creating the Inferior Criminal Court of Mobile or to abolish the Inferior Criminal Court of Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be a court of record in Mobile County, Alabama to be known as the Court of General Sessions, having criminal and civil jurisdiction as provided for in this Act. The judicial officers of the court shall consist of two judges one of whom is designated as the presiding judge of the Court of General Sessions. The judicial power of the court with respect to any action, suit or proceeding may be exercised by a single judge who may preside alone and hold a regular or special session of the court at the same time other sessions are held by the other judge.

Section 2. Upon enactment of this Act, the incumbent judge of the Inferior Criminal Court shall be immediately commissioned by the Governor as one of the judges of the Court of General Sessions, and such incumbent so commissioned by the Governor shall become the presiding judge of the Court of General Sessions, to hold office until the first Monday after the second Tuesday in January, 1961, at which time his elected successor shall take office. The Governor shall also after the enactment of this Act appoint some competent person who is a qualified elector and who is learned in the law to be and act as the other judge of said court until his successor is elected and takes office in 1961. The incumbent judge of the Inferior Criminal Court shall be the presiding judge of the Court of General Sessions until the first Monday after the second Tuesday in January, 1961; and thereafter the judge having seniority in judicial service, shall be the presiding judge of said court.

Section 3. The judges of the Court of General Sessions shall hold office for terms of six years and until their successors are elected and qualified. They shall be elected at the general election to be held in November, 1960, and every six years thereafter, and shall be installed in office on the first Monday after the second Tuesday in January next following their election. They shall qualify by taking the oath of office prescribed for other judicial officers by the Constitution of Alabama. Each judge shall receive as compensation for his services as judge of the Court of General Sessions of Mobile County, an annual salary of nine thousand dollars (\$9,000.00), which shall be paid in equal monthly installments out of the general fund of Mobile County, Alabama.

Section 4. Each judge of the Court of General Sessions shall be a magistrate and a conservator of the peace with all of the powers and authority of a magistrate or conservator of the peace as conferred by law upon the judges of the county courts of Alabama. Each judge shall have authority to administer oaths

and take affidavits except in these cases in which the power is expressly restricted to some other officer; to punish for contempt by a fine not to exceed ten dollars and by imprisonment not exceeding twenty-four hours, or both. Each judge shall have all the power and authority conferred by the general laws of the State of Alabama upon justices of the peace.

Section 5. The Court of General Sessions of Mobile County shall have original jurisdiction concurrent with the Circuit Court of all misdemeanors committed within the County. It shall have all the powers and authority in said county which are by the general laws of the State conferred on Justices of the Peace in criminal and quasi-criminal cases, including bastardy proceedings. It shall have the same power to imprison or sentence to hard labor as is possessed by the county courts under the general law.

Section 6. All prosecutions instituted in the Court of General Sessions of Mobile County shall be begun by affidavit and warrant. If upon arraignment a defendant demands a trial by jury, he must be required to enter into bond with good sureties, conditioned for his appearance at the next session of the circuit court to answer the charge; and failing to give such bond, he must be committed to the county jail until the next session of the circuit court. All trials in the Court of General Sessions shall be by the judge without a jury, and the judge shall determine the law and the facts. Upon conviction in the Court of General Sessions, the defendant shall have the right to appeal to the circuit court, and a jury trial may there be had on demand as prescribed by law. All pleading and procedure in the Court of General Sessions in criminal cases shall be regulated the same as in the county courts as provided by Chapter 6, of Title 13, Code of Alabama (1940).

Section 7. The Court of General Sessions shall be open for the transaction of business and for the trial of cases both civil and criminal every day of the week except Saturdays, Sundays, and legal holidays. The presiding judge of the Court of General Sessions shall have the authority, within his discretion to add to or extend the holidays of the New Year, Mardi Gras, Easter, Thanksgiving and Christmas for a period not to exceed five days on each occasion.

Section 8. The Court of General Sessions of Mobile County shall have and exercise civil jurisdiction according to the general law of Alabama concurrently with the justices of the peace in all precincts in Mobile County outside the limits of the City of Mobile, and the said Court shall have and exercise civil jurisdiction in Mobile County concurrently with the Circuit Court of

Mobile County in all civil matters where the amount in controversy does not exceed five hundred dollars. The Court shall not have jurisdiction in equity nor of actions of libel, slander, assault and battery, ejectment and actions in the nature of ejectment. Nothing in this Act shall be construed to give the judges of the Court of General Sessions of Mobile County any authority to grant writs of certiorari, supersedeas, quo warranto, prohibition or mandamus injunction or ne exeat.

Section 9. The judges and the clerk of the Court of General Sessions shall address all processes of whatever nature and kind to the sheriff of Mobile County, who shall either by himself or by deputy execute the same and make prompt and proper return to the court as provided by law.

Section 10. The costs in civil and criminal cases shall be the same as prescribed by law for justices of the peace, to be collected in the same manner as in justice of the peace courts, and in addition thereto there shall be collected in each case, as part of the costs thereof, the sum of one dollar, which shall be collected and paid into the county treasury for the benefit of the County Law Library Fund.

Section 11. The business of the Court of General Sessions shall be divided between the judges as provided for by the rules and orders of the court. The presiding judge shall be responsible for the observance of such rules and orders and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe. If the two judges of the court are unable to agree upon the adoption of rules or orders for that purpose, the presiding judge of the circuit court of the county shall make the necessary orders. If either of the judges of said court is unable to attend court and unable to make an order of adjournment, the clerk may adjourn the court to the next regular term or to an earlier date which he may determine. When the office of judge becomes vacant all pending process shall when necessary be specially continued by the clerk until a judge is appointed and qualified. Any such vacancy shall be filled by the Governor by appointment for the unexpired term.

Section 12. The Court of General Sessions of Mobile County is established in lieu of the Inferior Criminal Court of Mobile County, the said Inferior Criminal Court of Mobile County is abolished, and the Act of the Legislature No. 588, H. 522, approved February 23, 1899, and all acts amendatory of said act are hereby expressly repealed.

Section 13. All cases, causes of action, both civil and criminal, and all matters pending in the Inferior Criminal Court shall be transferred to the Court of General Sessions of Mobile County

and shall proceed as if begun therein. All judgments rendered in the Inferior Criminal Court of Mobile County shall have the same force and effect as if they had been rendered in the Court of General Sessions in lieu of the Inferior Criminal Court; and the Court of General Sessions in lieu of the Inferior Criminal Court shall have the same powers and control over such judgments and shall issue executions and other processes thereon the same and in all respects as if the judgments had been originally rendered in the Court of General Sessions.

Section 14. The presiding judge of the Court of General Sessions shall appoint a clerk of the court. The clerk shall be appointed without regard to the county merit or civil service system, and shall serve at the pleasure of the court. He shall be paid an annual salary of five thousand seven hundred dollars, in equal monthly installments, from the general fund in the county treasury.

Section 15. The court of county commissioners, board of revenue, or like governing body of Mobile County shall provide the judges of the Court of General Sessions with offices and quarters suitable for the proper conduct of the business of the court, and shall also furnish the court with all necessary furniture, fixtures, equipment, books, Alabama Reports, dockets, stationery, and supplies reasonably required by the judges and officers of the court in the performance of their duties.

Section 16. The clerk of the Court of General Sessions shall keep a record of all of the proceedings of the court. He shall keep a docket of all cases filed, which shall be properly arranged and indexed and which must set forth the nature of each case filed, the date of the issue and return of all processes, and shall contain a statement of the judgment rendered sufficient to show clearly what was done in the case, and an itemized copy of the bill of costs and by whom such costs were paid. The clerk shall attend upon the court at such hours as are designated by the judges thereof, and shall perform such other clerical duties as may be prescribed by the judges of said court.

Section 17. The clerk of the Court of General Sessions of Mobile County shall give a bond in the penal sum of ten thousand dollars (\$10,000.00), payable to the County of Mobile and conditioned to faithfully perform the duties of his office. The bond shall be filed in the office of the probate judge of Mobile County, and shall be approved by such judge as is now provided for by law. Upon said bond there shall be the same liabilities and remedies as upon the bonds of the circuit court clerks of this State. It shall be the duty of the clerk to keep all the records and files of the court in an orderly manner. The docket entry,

together with the original papers, writs and all endorsements thereon filed in each cause shall constitute the full record of each case. The clerk shall have the authority to issue warrants sworn out in said court, and to take and certify the affidavit of the prosecutor or complainant, to swear witnesses at the trial of all cases in said court, and to administer oaths and take affidavits in all cases in which the authority to administer oaths or take affidavits is not restricted to some other officer. The clerk shall also have power and authority to take acknowledgments of conveyances.

Section 18. The clerk shall have the authority to fix bail in criminal cases on warrants issued by him in which cases persons are entitled to bail under the law; and to approve all bonds in civil and criminal cases; to enter all judgments of said court; and to certify all appeals, certiorari and transcripts. The court shall also have a seal, which the clerk shall keep in his office. In addition, he shall have all the powers and authority which are now or may hereafter be vested in the clerk of the circuit court which may be necessary for the proper conduct of the Court of General Sessions. The clerk shall also have the power to appoint deputies with full power to transact all business of such clerk. It shall be the duty of the clerk to assess all costs and to collect all fines, forfeitures, penalties and fees provided by the general law for justices of the peace in like cases and to pay such money collected by him into the county treasury of Mobile or to the person lawfully entitled to receive the same. It shall be the duty of the clerk to report and pay such money collected by him to the county treasury or to the person lawfully designated or entitled to receive the same on the first day of each month after the date of his last report.

Section 19. The practice, procedure and judgments of the court, in the exercise of the civil jurisdiction conferred by this Act, shall conform to and be governed by the laws applicable to the practice and procedure in the courts of justices of the peace insofar as applicable, and except as otherwise provided in this Act. Every intendment is in favor of the sufficiency and validity of proceedings under the jurisdiction conferred by this Act when brought into question either directly or collaterally in any of the courts of this State where it appears on the face of the proceedings that the court has jurisdiction of the subject matter and the parties.

Section 20. All civil cases shall be tried by the judge of the court without the intervention of a jury, the judge determining both the law and the facts. However, any party shall have the right of appeal to the circuit court within five days from the rendition of judgment, and on appeal either party may demand

a trial by jury under the same rules as are provided by law for demands for jury trials in cases of appeals from judgments of justices of the peace; and the trial in the circuit court shall be de novo and shall conform to the procedure now fixed by law in appeals from courts of justices of the peace.

Section 21. Any party desiring to appeal from any judgment, shall give bond with sureties to be approved by the clerk, and payable to the party in whose favor the judgment was rendered, conditioned to pay and satisfy such judgment and costs as may be taxed against him in the circuit court. All such bonds shall be in amounts fixed by law and shall be filed with and approved by the clerk within five days from the rendition of the judgment from which the appeal was taken.

Section 22. Writs of certiorari from judgments rendered by the court may be granted by the judges of the circuit court, and trial de novo had in the circuit court for the same causes and upon the same conditions and according to the same procedure as now provided by law in Chapter 6, Title 13, Code of Alabama 1940.

Section 23. It shall be the duty of the clerk to issue an execution on all judgments rendered in said court after five days from the entry thereof, and place the same in the hands of the sheriff, who shall return such writ of execution within thirty days thereafter, said return to show that he has collected said judgment and paid the same or the amount collected, or is unable to find property of the person against whom said process issued, out of which said execution can be satisfied in whole or in part. When in any case execution against the defendant is returned "No property found," execution may issue against the plaintiff, in the name of the clerk, for all costs created by him in obtaining his judgment or attempting to collect the same.

Section 24. Either party to a suit may file interrogatories propounded to the opposite party, in which case the judge shall fix the time in which they shall be answered; and the said filing and answering of interrogatories except as herein provided shall be governed as far as applicable by practice and procedure of the circuit court, and the same costs shall be taxed and collected with respect to such interrogatories as provided by law.

Section 25. All laws or parts of laws in conflict with this Act are hereby repealed. But nothing in this Act shall be construed to repeal any part of the Act of the Legislature creating the Inferior Civil Court of Mobile County, nor to change, alter or abridge the exofficio duties and authority and compensation of the judge and the clerk of the Inferior Criminal Court fixed and conferred by said Act.

Section 26. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 27. This Act shall become effective on the first of the month commencing after the date of its enactment.

Approved: March 23, 1956.

Time: 3:35 P. M.

Act No. 41

S. 5—Van Antwerp

AN ACT

To amend Act No. 312, H. 766, approved April 15, 1911 (1911 Local Laws 274), which established an Inferior Civil Court in lieu of justices of the peace for all precincts lying within or partly within the City of Mobile.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 312, H. 766, approved April 15, 1911 (1911 Local Laws 274), which established an Inferior Civil Court in lieu of justices of the peace for all precincts lying within or partly within the City of Mobile is amended to read as follows:

“The said court, for the maintenance and exercise of the jurisdiction as conferred by this act, shall have all the general powers, conferred by law on justices of the peace. The presiding judge of the Court of General Sessions of Mobile County shall act as the ex-officio judge of said inferior civil court; the clerk of the Court of General Sessions of Mobile County shall act as the ex-officio clerk of said inferior civil court; and the sheriff, coroner or special coroner shall perform the same duties in relation to the inferior civil court of Mobile County as now devolve on them by law, in relation to the circuit court of Mobile County.”

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 23, 1956.

Time: 3:36 P. M.

Act No. 42

H. 109—Merrill, Lackey, Meeks

AN ACT

To amend Section 361 of Title 17 of the Code of Alabama, 1940, which relates to "single shot ballots."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 361 of Title 17 of the Code of Alabama, 1940, is hereby amended to read as follows:

"Section 361. A ballot commonly known as a single shot shall not be counted. Where two or more candidates are to be nominated for the same offices, the voter must express his choice for as many candidates as there are offices to be filled, and if he fails to do so, his ballot, so far as said particular office is concerned, shall not be counted and recorded, but as to the rest of the ballot it shall be counted and recorded. Provided, however, the provisions of the foregoing sentence shall not apply to the nomination or election of members of party executive committees nor delegates to national conventions of political parties."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 23, 1956.

Time: 4:35 P. M.

Act No. 43

S. 34—Eddins, Reeves, Cooper

AN ACT

To amend further Section 175 of Title 14, Code of Alabama (1940), which regulates the carrying of pistols.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 175 of Title 14, Code of Alabama (1940), as amended, is amended further to read as follows:

"Section 175. No person shall carry a pistol in any vehicle, or concealed on or about his person, except on his land, in his own abode or fixed place of business, without a license therefor as hereinafter provided."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 28, 1956.

Time: 12:40 P. M.

AN ACT

To provide for the election of the Chairman and members of the County Board of Education of Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Education of Walker County, Alabama, shall consist of four (4) members and a chairman. The chairman of said Board may be a resident of any District or Beat in the County, but the four members of said Board shall be elected from, be a qualified elector of, and shall reside in, each of four districts from which members of the county governing body are elected. The chairman of said Board shall be nominated by the voters of the whole county and shall be elected by the voters of the whole county. There must be one member of said Board who is a resident of District One and he shall be nominated and elected by the voters of the whole county; there must be one member of said Board who is a resident of District Two and he shall be nominated and elected by the voters of the whole county; there must be one member of said Board who is a resident of District Three and he shall be nominated and elected by the voters of the whole county; there must be one member of said Board who is a resident of District Four and he shall be nominated and elected by the voters of the whole county. At the General Election to be held in 1958 there shall be elected two (2) members of the Board, one from District No. One and one from District No. Three, and every six (6) years thereafter there shall be a member elected from each of such Districts. At the General Election to be held in 1956 there shall be elected two (2) members of the Board, one from District Two and one from District Four, and every six (6) years thereafter there shall be a member elected from each of such Districts. The chairman of said Board who was elected in 1954 shall serve until the General election to be held in 1960 and until his successor shall have been elected and qualified. The members of the Board and the chairman of the Board shall hold office for a period of six (6) years from the time they shall have been elected, and they may take office as soon after their election as they shall qualify, and may hold office until their successors shall have been elected and qualified.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Section 4. The Superintendent and board members shall be subject to all the general laws and the Constitution of the State of Alabama governing county boards of education not in conflict herewith.

Approved: March 28, 1956.
Time: 12:42 P. M.

Act No. 45

S. 37—Shelton

AN ACT

To authorize the governing bodies of all counties having a population of not less than 73,000 nor more than 93,000, according to the last or any subsequent Federal decennial census, to provide for the installation and use of voting machines within the county without first submitting the question to a vote of the people.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or like governing body of any county having a population of not less than 73,000 nor more than 93,000, according to the last or any subsequent Federal decennial census, is hereby authorized to provide for the installation and use of voting machines when it is deemed advisable for registering and computing the vote at all elections held in the county, without first submitting the question of installation and use of such voting machines to a vote of the qualified electors of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 28, 1956.
Time: 12:45 P. M.

Act No. 46

S. J. R. 18—Jones, Boutwell, Lamberth, Roberts, Cooper

SENATE JOINT RESOLUTION

WHEREAS Peter Vredenburgh, III, of Birmingham and Vredenburgh, passed away on March 19, 1956, while in Miami, Florida; and

WHEREAS Peter Vredenburgh, III, was widely known and respected in this State, through his numerous business and civic activities, and was recently appointed a member of the State Board of Corrections; and

WHEREAS this State has suffered a great loss in the death of Peter Vredenburg, III; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That the members of the Legislature express their deep regret at the death of Peter Vredenburg, III, and extend their sincere sympathy to the bereaved family.

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to the widow, Mrs. Dorothy Vredenburg, at Mountain Brook.

Approved: March 28, 1956.

Time: 12:47 P. M.

Act No. 47

H. 46—Branyon, Brown (Lamar), Windle

AN ACT

To provide a law enforcement fund for the use of the circuit judge and the circuit solicitor of the Twenty-fourth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. All Circuit Solicitors' fees hereafter imposed and collected by the Circuit Court in the Twenty-fourth Judicial Circuit of Alabama under the provisions of Section 85 of Title 11, 1940 Code of Alabama, as last amended, shall be periodically deposited by the Clerk, or other proper custodian of funds so taxed in said Court, in any bank in the county where the fees are imposed, provided that such bank be an approved depository of the public funds of such county, to be used and expended as provided in Section 2 hereof. Expenditures from such fund in any county of said Circuit shall not exceed the sum of Five Hundred Dollars annually. When such fund in any county of said Circuit shall exceed the sum of Five Hundred Dollars, then the clerk, or other proper custodian of funds so taxed, shall pay and distribute said additional funds in the manner and form prescribed by Section 242 of Title 13, 1940 Code of Alabama.

Section 2. The Circuit Solicitor or the Circuit Judge of the Twenty-fourth Judicial Circuit is hereby authorized to requisition expenditures against said fund for the payment of all and any expenses necessarily incurred by each in the discharge of the duties of his office, in promoting its welfare, and for the enforcement of law in said Circuit, and for such supplies, postal service, fixtures and facilities for use by or in the office of the Circuit Judge or in the Courtroom as may be deemed necessary.

No requisition shall be made on the fund of any county of the Circuit not sharing in the benefits flowing from such expenditures.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage or upon its otherwise becoming law.

Approved: March 28, 1956.

Time: 12:50 P. M.

Act No. 48

H. 83—Goodwyn, Nolen, Dawkins, Hall

AN ACT

To fix the supplemental salary and expense allowance of the Solicitor of the Fifteenth Judicial Circuit of Alabama to provide that said supplemental salary and expense allowance shall be paid out of the general fund of Montgomery County, Alabama, and to provide when said act shall go into effect and to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The Circuit Solicitor of the Fifteenth Judicial Circuit of Alabama shall, in addition to the salary now being paid by the State, be paid a supplemental salary of Thirty-Five Hundred (\$3,500.00) Dollars per year by Montgomery County, Alabama, from the general funds of said county, payable as the salaries of county officers are paid.

Section 2. In addition to the above amount, the Circuit Solicitor of the Fifteenth Judicial Circuit of Alabama shall be paid an expense allowance of Nine Hundred (\$900.00) Dollars per annum, payable in twelve (12) equal monthly installments. This expense allowance shall be paid to compensate the Circuit Solicitor for the use of his automobile on official business, for the payment of such extra clerical expense as may be necessary for the proper conduct of his office and for such other purposes as the Circuit Solicitor may deem necessary. The Circuit Solicitor shall not be required to account for moneys received and expended in this expense allowance.

Section 3. This act shall go into effect commencing with the next term of the Circuit Solicitor of the Fifteenth Judicial Circuit of Alabama.

Section 4. All laws or parts of laws, wherein the Solicitor of the Fifteenth Judicial Circuit of Alabama is drawing additional

salary and/or other compensation from Montgomery County, Alabama, are hereby repealed when this act goes into effect.

Approved: March 28, 1956.

Time: 12:55 P. M.

Act No. 49

H. 90—Hanby, Hawkins

AN ACT

To amend Section 3 of Act No. 671, H. 921, approved September 4, 1951 (Acts of 1951, vol. II, p. 1158) entitled "An Act Relating to cities having populations of not less than 50,000 nor more than 100,000 inhabitants; creating and establishing within such cities a civil service system to govern the appointment, tenure, compensation, conditions of employment, and removal of certain officers and employees of such cities."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 671, H. 921, approved September 4, 1951 (Acts of 1951, vol. II, p. 1158) entitled "An Act Relating to cities having populations of not less than 50,000 nor more than 100,000 inhabitants; creating and establishing within such cities a civil service system to govern the appointment, tenure, compensation, conditions of employment, and removal of certain officers and employees of such cities," is amended to read as follows:

"Section 3. DEFINITIONS.—With reference to the police department the following definition shall apply as used herein: The word 'patrolman' as used herein shall mean and apply to all motorcycle officers, drivers of automobiles used by the police department, and all other members of the police department below the grade of sergeant but shall not include detectives. The word 'officer' as used herein shall mean and apply to all members of the police department of the grade of sergeant, detective, captain, assistant chief of police, and the chief of police. The words 'members of the police department' shall include all officers, patrolmen, detectives, and wardens. With reference to the fire department the following definitions shall apply as used herein: The words 'members of the fire department,' or 'members of the fire departments,' as used herein shall mean and include the chief of the fire department, assistant chiefs of the fire department, captains, lieutenants, engineers, assistant engineers, and firemen, and all others who are regularly carried on the pay roll of such fire departments except hostlers and helpers; and in addition to those specifically named hereinbefore as members of said departments, such others as such board may find and designate to properly be such members, respectively."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 28, 1956.

Time: 12:56 P. M.

Act No. 50

H. 91—Meeks, Nice, Vacca, Perry, Edwards (Jefferson), Lackey, Kaul

AN ACT

To authorize all boards of education in all counties having a population of more than 500,000, according to the last or any subsequent federal decennial census, to provide annual vacations with pay for certain administrative officials and employees of the school systems under their jurisdiction and control.

Be It Enacted by the Legislature of Alabama:

Section 1. All boards of education, city and county, in all counties having a population of more than 500,000, according to the last or any subsequent federal decennial census, may, in their discretion, provide annual vacations with pay, not exceeding three weeks per year, for administrative officials and employees of the school systems under their jurisdiction and control, provided such official or employee has been in service in the school system for fifteen years or longer. As used herein, "administrative officials and employees" shall not include classroom teachers, custodial employees, or lunchroom attendants.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 28, 1956.

Time: 12:58 P. M.

Act No. 51

H. 96—deGraffenried

AN ACT

To amend section 398, Title 51, Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 398, Title 51, Code of Alabama 1940 is hereby amended so as to read as follows:

A tax is hereby levied and imposed upon every corporation organized under the laws of Alabama, which shall be assessed, collected and paid annually on taxable income earned on or after January 1, 1956 and for each taxable year thereafter upon and with respect to their entire net income as hereinafter defined, at rate as follows: (a) On the excess over the amount exempted herein, up to and including one thousand dollars, one and one-half percent. (b) On the excess over the amount exempted herein above, one thousand dollars, up to and including three thousand dollars, three percent. (c) On the excess over the amount exempted herein above three thousand dollars up to and including five thousand dollars four and one-half percent. (d) On the excess over the amount exempted herein above five thousand dollars, five percent. A like tax at the same rates specified in this section of the entire net income is hereby levied and imposed upon every foreign corporation doing business in the State of Alabama which tax shall be assessed, collected and paid on taxable income earned on or after January 1, 1956 and for each taxable year thereafter upon and with respect to their entire net income as herein defined, from property situated within this state, and from business done and transacted within this state. Such taxes shall be first assessed, collected, and paid upon and with respect to taxable income earned on or after January 1, 1956 and in each and every taxable year thereafter. With respect to income earned before January 1, 1956, the provisions of Chapter 17 of Title 51, of the 1940 Code of Alabama, as they existed immediately prior to the enactment of this Act, shall remain applicable, the same as though they had not been amended or repealed by this Act.

Section 2. This Act shall become effective upon the ratification of an amendment to the Constitution of Alabama authorizing the Legislature to tax the net income of corporations not to exceed five percent (5%) on net income.

Approved: March 28, 1956.

Time: 1:00 P. M.

Act No. 52

H. 98—Brown (Lamar)

AN ACT

TO ALTER, REARRANGE AND EXTEND THE CORPORATE LIMITS OF THE TOWN OF VERNON, LAMAR COUNTY, ALABAMA:

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the Town of Vernon,

Lamar County, Alabama, be altered, rearranged and extended to include the following territory:

The S½ of Section 9; the W½ of the SW¼ of Section 10; the W½ of the NW¼, the SW¼, the W½ of the SE¼ and SE¼ of SE¼ of Section 15; all of Section 16; The S½ of SE¼ of Section 17; the N½ of NE¼ and NE¼ of NW¼ of Section 20; and N½ of N½ of Section 21 and the NW¼ of NW¼ of Section 22, all in Township 15 South of Range 15 West, of Huntsville Meridian, in Lamar County, Alabama.

Section 2. That all laws and parts of laws, general, special and local, in conflict with this Act, be and the same are hereby repealed.

Section 3. This Act shall go into effect immediately upon its passage and approved by the Governor, or upon its otherwise becoming a law.

Approved: March 28, 1956.

Time: 1:10 P. M.

Act No. 53

H. 99—Murphy, Tyson, Simon

AN ACT

Relating to counties having a population of not less than 225,000 nor more than 400,000 inhabitants, according to the last or any subsequent federal decennial census; authorizing the board of revenue, court of county commissioners, or other like governing body of any such county to promulgate and adopt rules and regulations governing the use of mufflers, underwater exhausts, or other such devices capable of adequately muffling the sound of the exhaust of internal combustion engines which are used to propel motorboats over public waters within such county; providing for the enforcement of the Act; and prescribing penalties for violations of the Act, or any rule or regulation promulgated and adopted under the provisions thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 225,000 nor more than 400,000 inhabitants, according to the last or any subsequent federal decennial census.

Section 2. The board of revenue, court of county commissioners, or other like governing body of any county to which this Act applies is hereby authorized to promulgate and adopt, by appropriate ordinance or resolution, rules and regulations governing the use of mufflers, underwater exhausts, or other such devices capable of adequately muffling the sound of the exhaust of internal combustion engines which are used to propel motor-

boats over any stream, river, lake, or other public waters within the boundaries of such county. The county governing body may require the use of such muffling devices on the engines of motor-boats which are operated in any specified area or areas of the county, but the ordinance or resolution adopting such requirement shall clearly define and describe such area or areas.

Section 3. Any person possessing the powers of a police officer in any county to which this Act applies is hereby authorized and directed to assist the county governing body in enforcing the rules and regulations promulgated and adopted under the provisions of this Act.

Section 4. Any person who violates any provision of this Act, or who violates any rule or regulation promulgated and adopted by the county governing body under the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction shall be punished as prescribed by law.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 28, 1956.

Time: 1:15 P. M.

Act No. 54

H. 119—Callahan, deGraffenried

AN ACT

To repeal Act Number 9, of the 1956 Special Session of the Legislature, approved January 27, 1956, Entitled An Act to alter, rearrange, change and fix the boundary line of the City of Tuscaloosa, Alabama:

Be It Enacted by the Legislature of Alabama:

Section 1. Act Number 9. of the Special Session of 1956, approved January 27, 1956, and entitled an Act to alter, rearrange, change and fix the boundary line of the City of Tuscaloosa, Alabama, be and the same hereby is repealed.

Section 2. This Act shall become effective immediately after its passage and approval by the Governor or its otherwise becoming a law.

Approved: March 28, 1956.

Time: 1:20 P. M.

Act No. 55

H. 122—Oden

AN ACT

To fix the compensation of the members of the court of county commissioners, board of revenue, or like governing body of all counties

having a population of not less than 24,500 nor more than 25,725 inhabitants, according to the last or any subsequent federal decennial census; and to provide for the manner of payment of such compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of each member of the court of county commissioners, board of revenue, or like governing body of all counties having a population of not less than 24,500 nor more than 25,725 inhabitants, according to the last or any subsequent federal decennial census, is hereby fixed at one thousand eight hundred dollars (\$1,800) per annum, payable in equal monthly installments out of the general fund of the county; provided, however, that in the discretion of the court of county commissioners, board of revenue, or like governing body of any county to which this Act applies, one-half of such compensation may be paid from monies received from the special county tax levied for public buildings, roads, and bridges.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective upon the expiration of the terms of the incumbent members of the court of county commissioners, board of revenue, or like governing body of each county within the purview of this Act, as provided in the Constitution of Alabama.

Approved: March 28, 1956.

Time: 1:21 P. M.

Act No. 56

H. 125—Roberts

AN ACT

To amend Act No. 239, S. 376, approved July 19, 1951 (Acts of 1950-51, Vol. I, p. 514), which relates to the registration and purgation of voters in counties having a population of not less than 64,000 nor more than 79,000 inhabitants, according to the last or any subsequent federal decennial census, authorizing the court of county commissioners, board of revenue, or other like governing body of all counties in which this Act applies, or the governing body of any municipality in any such county, to provide clerical assistants for the board of registrars and to fix and pay their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 239, S. 376, approved July 19, 1951 (Acts of 1950-1951, Vol. I, p. 514), entitled "An Act Relating to registration and purgation of voters in counties having a population of not less than 64,000 nor more than 79,000 inhabitants, and providing for meetings and procedures of the

Board of Registrars for the purpose of registering voters and purging the registration lists in such counties," is amended to read as follows:

"Section 3. At any meeting of the Board applications for registration shall be taken from persons residing anywhere in the county. The court of county commissioners, board of revenue, or like governing body of all counties to which this Act applies, or the governing body of any city in any such county, may, in its discretion, employ clerical assistants for the Board, fix their compensation, and provide for the payment thereof from the general fund of the county or city.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: March 28, 1956.

Time: 1:23 P.M.

Act No. 57

H.J.R. 9—Adams, Tyson, Fite, Nolen, Hawkins, Mathison, McKay, Nice, Harrison, deGraffenried, Grouby, Brown (Lamar), Branyon, Ramsey, Gregory, Roberts, Dawkins, Kendall, Vacca, Jenkins, Johnson (Tallapoosa), Franklin.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. That the level of government rendering the largest number of services and providing the greatest variety of internal improvements in our State is municipal government.

2. That the daily lives of our people are more intimately and importantly affected by the governments of our home-towns and home-cities than by any other branch of our whole governmental system.

3. That in the past 16 years the number of residents of our State's municipalities has increased more than 50 percent—thus increasing the problems and needs of the municipal governments.

4. That a thorough study of municipal problems in Alabama has never been made by an interim committee of our Legislature.

5. That the relatively recent spread of our local population over larger areas and beyond the original municipal boundaries of our cities and towns has brought on untold numbers of problems that were not even dreamed of when the Municipal Code—Title 37—of Alabama's Code of 1940 was written by the Legislature.

6. That a lot of problems of our cities and towns stem from our Constitution which was written at a time when there were fewer than 150 organized communities in the State and when there were not more than a quarter of a million people living in such communities, while today more than 2,000,000 of the State's 3,000,000 citizens live either inside or just outside the 300 incorporated municipalities of the State.

7. That there is a considerable amount of overlapping of functions and services on the part of the State, the counties and the municipalities.

8. That the Legislature has attempted piece-meal to deal in the past with a lot of the problems of the cities and towns, but such efforts have furnished no sound plan of municipal administration in Alabama, and have not begun to approach a solid basis for the proper functioning of our municipal governments.

9. That the debt administration side of municipal government needs a lot of revision and general improvement.

10. That the financing of municipal government has been sadly neglected by legislatures of the past.

11. That the Legislature has session by session encouraged our State government to grow bigger and bigger, thereby seriously restricting the possibility of a much-needed support and development of this State's municipal government so that they may more satisfactorily respond to the needs and demands for services on the part of local people.

BE IT FURTHER RESOLVED, that in order to suggest to future legislatures a sound, workable, financially-feasible and economically-possible setup for Alabama's municipal governments there is hereby created an Interim Committee on Municipal Government of the Legislature of Alabama, to be composed of seven members of the Legislature—four (4) from the House, to be appointed by the Speaker of the House, and three (3) from the Senate, to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to completely analyze the present status of municipal government in Alabama

and to make such recommendations for legislation and Constitutional revision which it shall consider necessary to enable the town and city governments of the State to better meet the needs and demands of their respective citizens.

In reviewing the status of municipal government, the Committee shall consider, but shall not limit its consideration, to the following points, along with the eleven (11) points listed in the heading of this Resolution:

(1) The functions and responsibilities of municipal governments to provide services and facilities to the residents of the incorporated towns and cities of the State, and whether or not additional legislation is needed to enable said towns and cities to provide desirable standards of municipal service and facilities.

(2) The legal framework of municipal government in Alabama, the power and authority granted to municipal governments by the Legislature, and the restriction placed on municipal governments by the Legislature, and whether or not there is need for legislation to broaden the powers and authority of said municipal governments and to give them more freedom in fulfilling their responsibilities to the urban population of the State.

(3) The financial support of municipal government in Alabama, and what legislation, if any, is needed to provide more adequate financial resources for support of said municipal governments.

(4) The impact of industrialization and rapid urbanization on the ability of municipal governments to provide minimum standards of services and facilities to urban residents, and what legislation, if any, is necessary to enable said municipal governments to maintain these minimum standards in a period of rapid growth and expansion.

BE IT FURTHER RESOLVED, that the Committee shall not consume more than forty-five (45) working days in performing its function and that its work be finished in time for the preparation of a report to be submitted at the opening of the 1957 Regular Session of the Legislature of Alabama, and, that as far as possible, all meetings of the Committee be held in the State Capitol and be open to the public. The Committee is hereby empowered to employ one clerk which shall be a competent stenographer and who shall be paid in accordance with the present rate of pay for legislative clerks, and such other assistance as the Committee shall deem necessary. The members of the Committee shall be paid regular Legislative per

diem pay and per diem expenses for each day that it is in session. The chairman of the Committee shall certify from time to time to the State Comptroller what is due each member and clerk for the days worked in handling the Committee's business. The Comptroller must draw a warrant on the State Treasurer to pay the amounts due said members and clerk; provided, however, that the total amount expended by the Committee in carrying out this study shall not exceed the sum of fifteen thousand dollars (\$15,000). The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee as Chairman and one member to be Vice Chairman. The Lieutenant Governor and the Speaker of the House shall be ex-officio members of the Committee and shall receive compensation at the rate paid other members for each day that they sit with the Committee in its work on the subjects and problems listed in this Resolution, or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

Approved: March 28, 1956.

Time: 1:25 P. M.

Act No. 58

H.J.R. 10—Harrison, Merrill, Lackey, Kendall, Brannan, Ashworth, deGraffenried, Stokes, Solomon, Steagall, Cornett, Branyon, Fite, Selman, Dement.

HOUSE JOINT RESOLUTION

WHEREAS the Supreme Court of the United States has in recent cases ordered that segregation be abolished in the public schools and in state-supported institutions of higher learning; and

WHEREAS said Court further ordered the lower federal courts to report back to it on the progress being made in carrying out said decrees, and the Supreme Court has judicial knowledge of the trouble the lower courts have encountered in attempting to carry out said decrees; and

WHEREAS pursuant to decrees of the Supreme Court of the United States and of the federal district court, the President, trustees, and other officers of the University of Alabama enrolled a Negro at the said University, thereby carrying out the decrees of said courts, but were confronted with such tumult, strife, and civil disorder as a result thereof, that the lives and safety of the citizens of this State were endangered; and

WHEREAS it is now well established that said decrees are not enforceable in all of the states at this time; and

WHEREAS an overwhelming majority of the people of this section of the South are possessed with a deep determination not to allow any group outside the South to force them at this time to change the social pattern of the relations between the white and colored people, and the passage of no law and the writing of no decree by any court can change the feeling of the people of the South, and if forces outside the South, clothed with the Supreme Court's decrees, continue to press this issue, it is certain that further outbreaks of disorder will occur, to the danger of the peace and safety of the people of this State; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, that the Supreme Court of the United States be, and it is respectfully requested to modify its decrees in said cases mentioned hereinabove so as to permit the white and colored people of the South to live together in peace and harmony.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded by the Clerk of the House to the Chief Justice of the Supreme Court of the United States and to each of the honorable members of the Supreme Court.

Approved: March 28, 1956.

Time: 1:26 P. M.

Act No. 59

H.J.R. 25—Callahan, deGraffenried, Payne,
McKay

HOUSE JOINT RESOLUTION

WHEREAS the meteorite which struck Mrs. Ann Hodges, on November 30, 1954, at Sylacauga, is the first meteorite in the world known to have struck a human being; and

WHEREAS the value of the meteorite immediately was recognized upon publication of the news concerning the circumstances of its falling, and the Hodges family received offers for the meteorite ranging, it was reported, up to as much as five thousand dollars, and the meteorite became the subject of intense litigation in the courts of this State; and

WHEREAS Mrs. Hodges, in a splendid spirit of civic-minded-

ness, recently donated this meteorite to the Alabama Museum of Natural History, at Tuscaloosa; and

WHEREAS this meteorite became the first which fell in Alabama to have come within the possession of the Alabama Museum, and constituted a unique and highly valuable addition to the exhibits maintained by the Museum; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That the Legislature hereby expresses to Mrs. Ann Hodges, of Sylacauga, the appreciation felt by the people of Alabama for her wonderful gift of this valuable meteorite to the Alabama Museum of Natural History.

BE IT FURTHER RESOLVED, that the Clerk of the House transmit a copy of this resolution to the donor, Mrs. Hodges, at Sylacauga.

Approved: March 28, 1956.

Time: 1:30 P. M.

Act No. 60

S. J. R. 20—Robison

SENATE JOINT RESOLUTION

To designate and name certain parts of the state highway system "The Blue and Grey Highway," and request the highway department to erect appropriate markers thereon.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, THE HOUSE OF REPRESENTATIVES AND THE SENATE CONCURRING:

1. The route tranversed by U. S. Highway No. 231 from the point where such highway crosses the Alabama-Tennessee State line south to Montgomery, via Huntsville, Oneonta, Ashville, Pell City, Talladega, Rockford and Wetumpka, and U. S. Highway No. 31 from Montgomery southwesterly to Mobile, via Greenville, Evergreen, Brewton and Bay Minette, is hereby designated and shall be known as "The Blue and Grey Highway."

2. The highway department is requested to erect appropriate markers along the above described route indicating that such route is "The Blue and Grey Highway," and if practicable to use markers similar in size and design to the markers used to designate U. S. highways.

Approved: April 5, 1956.

Time: 8:30 A. M.

Act No. 61

S. J. R. 19—Bradford

SENATE JOINT RESOLUTION

WHEREAS the American Forestry Association, American Turpentine Farmers Association, Association of State Foresters, Council of Forestry Association Executives, Forest Farmers Association, Louisiana Forestry Association, Southern Pine Association, Southern Pulpwood Conservation Association, Southern Hardwood Producers, Incorporated, the Alabama Forest Products Association and the United States Forest Service are sponsoring a Southern Forest Fire Prevention Conference in New Orleans, Louisiana, April 13-14, 1956; and

WHEREAS the success of this conference is entirely dependent upon the support received from civic, service, and public organizations, and state governmental officials; and

WHEREAS in recognition of the significance of this undertaking, the Southern Governors have endorsed this conference and have pledged their full support of the conference, in an unprecedented action taken at Point Clear, Alabama, on October 20, 1955; and

WHEREAS a tremendous waste is caused by forest fires, and there is a deplorable record of fires in southern forests, on lands that supply raw material to an industry which brings in five billion dollars annually to the region; and

WHEREAS the southern states, with forty-nine per cent of the nation's forest land, have seventy-eight per cent of the nation's forest land not protected from fire, eighty-nine per cent of the forest land burned, eighty-five per cent of the nation's fires, and ninety-four per cent of the nation's incendiary fires; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That the Legislature of Alabama does hereby endorse the need for stimulating strong public opinion against the deliberate burning of wealth-producing timberlands, including the stringent enforcement of all laws pertaining to these cases, and to this end pledges its active support in helping to make the Southern Forest Fire Prevention Conference a complete success.

Approved: April 5, 1956.

Time: 8:31 A. M.

Act No. 62

H. 64—Nice, deGraffenried

AN ACT

To amend Section 1 of Act No. 485 General Acts 1955, page 1097

entitled "An Act Authorizing, directing and requiring every city and county board of education, the state board of education, and the governing boards of the University of Alabama, the Alabama Polytechnic Institute and Alabama College to employ, upon application, certain retired teachers; providing for the duties and compensation of such teachers; providing for participation in the federal old age and survivors insurance program by such teachers; and making an appropriation out of the special educational trust fund for the purpose of reimbursing the appointing boards for the cost of employing such teachers."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 485, General Acts 1955, page 1097, be and is hereby amended to read as follows:

"Section 1. Every city and county board of education in this State, the state board of education, and the governing boards of the University of Alabama, the Alabama Polytechnic Institute and Alabama College are hereby authorized, directed and required to employ, upon application, any teacher who has attained age sixty-five on or before October 1, 1955, and who has retired under the teachers' retirement system of Alabama. Applications shall be made under such rules and regulations as may be promulgated and adopted by the state board of education."

Section 2. This Act shall become effective upon its approval by the Governor or its otherwise becoming a law.

Approved: April 5, 1956.

Time: 8:33 A. M.

Act No. 63

H. 113—Ward, Brown (Lamar), Hawkins, Dement, Stenbridge, Davis, Branyon, Lee (Barbour), Mathews, Simon, Ashworth, Meeks.

AN ACT

TO AMEND SECTION 409, TITLE 51, AS AMENDED, CODE OF ALABAMA 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 409, Title 51, as amended, Code of 1940 is hereby amended so as to read as follows:

Section 409. Time and Methods of Payment of Tax.

(a) In the case of individuals the total balance of the tax owed after credits for taxes paid through withholding as provided in Section 2 of this Act or through declarations as provided in Section 13 and 14 of this Act, shall be due and payable

on the fifteenth day of April following the close of the calendar year or if the return should be made on the basis of a fiscal year, then on the fifteenth day of the fourth month following the close of the fiscal year.

(b) In the case of fiduciaries, the total amount of the tax imposed by this chapter shall be paid on the fifteenth day of April following the close of the calendar year or if the return should be made on the basis of a fiscal year, then on the fifteenth day of the fourth month following the close of the fiscal year.

(c) In the case of corporations the total amount of the tax imposed by this chapter shall be paid on the fifteenth day of March following the close of the calendar year or if the return should be made on the basis of the fiscal year, then on the fifteenth day of the third month following the close of the fiscal year.

(d) **Installment Payments.** In the case of a corporation, the taxpayer may elect to pay the tax in three installments, in which case the first payment of one-fourth of the tax shall be paid on the date prescribed for the payment of the tax by the taxpayer, the second payment of one-fourth of the tax shall be paid on the fifteenth day of the third month, the third payment of one-half of the tax on the fifteenth day of the sixth month, after such date. If any installment is not paid on or before the date fixed for its payment, the whole amount of the tax unpaid shall be paid upon notice and demand from the Department of Revenue.

(e) **Installment payments.** In the case of a fiduciary, the taxpayer may elect to pay the tax in four equal installments, in which case the first installment shall be paid on the date prescribed for the payment of the tax by the taxpayer, the second installment shall be paid on the fifteenth day of the second month, the third installment shall be paid on the fifteenth day of the fifth month, and the fourth installment on the fifteenth day of the eighth month, after such date. If any installment is not paid on or before the date fixed for its payment, the whole amount of the tax unpaid shall be paid upon notice and demand from the Department of Revenue.

(f) **Extension of time for payment.** At the request of the taxpayer, the department may extend the time for payment of the amount determined as the tax due by the taxpayer, or any installment thereof, for a period of not to exceed three months from the date prescribed for the payment of the tax or any installment thereof. In such case the amount in respect of which

the extension shall be paid on or before the date of expiration of the period of the extension.

(g) Voluntary Advance Payment. The tax imposed by this chapter or any installment thereof, may be paid, at the election of the taxpayer, prior to the date prescribed for its payment.

Section 2. This Act shall become effective upon its passage and approval by the Governor or by its otherwise becoming a law.

Approved: April 5, 1956.

Time: 8:35 A. M.

Act No. 64

H. 136—Kelly

AN ACT

To amend section 1 of "An Act to allow the Sheriff of Winston County an additional deputy sheriff to that now provided by law, and fix his salary and make it payable out of the general funds of the County in monthly installments, said deputy to be located at Haleyville, Alabama," approved July 21, 1927, (Local Acts of Alabama of 1927, page 69 (as amended by Act No. 169 of the Legislature of Alabama of 1951, approved June 29, 1951 (Acts of Alabama, 1951, page 405)).

Be It Enacted by the Legislature of Alabama:

Section 1. That section 1 of "An Act To allow the Sheriff of Winston County an additional deputy sheriff to that as now provided by law, and fix his salary and make it payable out of the general funds of the county in monthly installments, said deputy to be located at Haleyville, Alabama," approved July 21, 1927, (Local Acts of Alabama of 1927, page 69) as amended by Act No. 169 of the Legislature of Alabama of 1951, approved June 29, 1951 (Acts of Alabama, 1951, page 405) be and the same is amended to read as follows: "Section 1. - That the sheriff of Winston County is hereby allowed an additional deputy to the one now provided by law which said deputy shall be located at Haleyville, and shall receive an annual salary of twenty-four hundred dollars (\$2400.00), plus an additional twelve hundred dollars (\$1,200.00) per annum for expenses, all to be paid in twelve equal monthly installments out of the general funds of said Winston County, and such deputy shall be eligible to perform duties anywhere in said county."

Section 2. This act shall take effect upon its approval by the Governor or upon its otherwise becoming a law.

Approved: April 5, 1956.

Time: 8:40 A. M.

Act No. 65

H. 138—Lackey, Nice, Perry, Vacca, Edwards (Jefferson), Meeks, Kaul

AN ACT

To provide that the Recorder's Court of any city having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census trying any person for violation of an ordinance of such city making it unlawful to engage in or conduct a lottery, to possess lottery paraphernalia, to possess gaming paraphernalia, to engage in bookmaking, to accept bets on horse racing or other sporting events, to conduct a house of prostitution, to possess, sell, give away or display obscene pictures, prints, drawings or literature, or to molest children shall upon the conviction of such person, have the power and authority to impose a fine not exceeding three hundred dollars upon such person and to sentence him to hard labor upon the streets or public works, or in the workhouse or house of corrections of such city for not exceeding six months; to provide that this Act shall be cumulative and the power and authority hereby granted to any such Recorder's Court shall be in addition to any power and authority which such court may have under any other law either general or local.

Be It Enacted by the Legislature of Alabama:

Section 1. The Recorder's Court of any city having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census trying any person for violation of an ordinance of such city making it unlawful to engage in or conduct a lottery, to possess lottery paraphernalia, to possess gaming paraphernalia, to engage in bookmaking, to accept bets on horse racing or other sporting events, to conduct a house of prostitution, to possess, sell, give away or display obscene pictures, prints, drawings, or literature, or to molest children shall upon the conviction of such person, have the power and authority to impose a fine not exceeding three hundred dollars upon such person and to sentence him to hard labor upon the streets or public works, or in the workhouse or house of corrections of such city for not exceeding six months.

Section 2. The power and authority granted any such Recorder's Court by the provisions of this Act shall be cumulative and in addition to all power and authority which any such Recorder's Court may have under any other law either general or local.

Approved: April 5, 1956.

Time: 8:42 A. M.

Act No. 66

H. J. R. 30—Callahan

HOUSE JOINT RESOLUTION

WHEREAS the members of the Legislature have just learned of the sudden death of the Honorable Mack Brassell, who

for many years was Doorkeeper of the House of Representatives of the Legislature of Alabama; and

WHEREAS the Honorable Mack Brassell was a true gentleman, whose amiability, sincerity, and kindness won for him the respect and warm affection of a multitude of friends in this State; and

WHEREAS his loss will be deeply mourned by his family and his many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That the members of the Legislature do hereby express their profound grief in the passing of the Honorable Mack Brassell, and extend their sincere sympathy to his family.

BE IT RESOLVED FURTHER, that a copy of this resolution be presented by the Speaker of the House to Representative J. W. Brassell, a brother of the Honorable Mack Brassell.

Approved: April 5, 1956.

Time: 8:48 A. M.

Act No. 67

H. 106—McNider, Bradford

AN ACT

Proposing an amendment to Section 94 of Article IV of the Constitution to provide for the alienation, with or without consideration, of certain public improvements if approved at a referendum held for that purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby proposed that Section 94 of Article IV of the Constitution be amended to read as follows:

"Section 94. The legislature shall not have power to authorize any county, city, town, or other subdivision of this state to lend its credit, or to grant public money or thing of value in aid of, or to any individual, association, or corporation whatsoever, or to become a stockholder in any such corporation, association, or company, by issuing bonds or otherwise. It is provided, however, that the legislature may enact general, special, or local laws authorizing political subdivisions and public bodies to alienate, with or without a valuable consideration, public parks and playgrounds, or other public recreational facilities and public housing projects, conditional upon the approval of a majority of the duly qualified electors of the county, city, town, or other

subdivision affected thereby, voting at an election held for such purpose."

Section 2. An election shall be held upon the proposed amendment on Tuesday, August 28, 1956, unless that day arrives before the expiration of three months from final adjournment of this session of the Legislature, in which event the election shall be held on the same day as the next general election of state officers. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House March 16, 1956.

Passed the Senate April 5, 1956.

Act No. 68

S. 2—Boutwell

AN ACT

To amend Sections 17, 41 and 44 of Title 50 of the Code of Alabama of 1940, relating to Improvement Authorities, so as to redefine the term "territory" as set out in said Section 17 to mean the geographical area coterminous with the boundaries of a municipality as defined in said Section 17, and so as to provide that any bonds hereafter issued by any such Improvement Authorities shall be revenue bonds and shall constitute negotiable instruments though payable from a limited source, and so as to modify the provisions under which bonds may be purchased by any such Improvement Authority.

Be It Enacted by the Legislature of Alabama:

1. Section 17 of Title 50 of the Code of Alabama of 1940 is hereby amended so that the said section shall read as follows:

"Section 17. DEFINITIONS. The following terms, whenever used or referred to in this title, shall have the following respective meanings unless a different meaning clearly appears from the context: The term 'authority' shall mean a corporation created pursuant to this chapter. The term 'municipality' shall mean any city or town incorporated under the laws of the State

of Alabama, and shall also mean the inhabitants of an area containing not less than two hundred and fifty qualified electors outside of an unincorporated city or town who shall become incorporated pursuant to the provisions of this chapter. The term 'territory' shall mean the geographical area coterminous with the boundaries of a municipality. The term 'governing body' shall mean the body or board, by whatsoever name it may be known, having charge of the finances of a municipality. The term 'services' shall mean any one or more or all of the following: Water, sewerage, telephone, gas or electric heat, light, or power services; commodities or facilities. The term 'enterprise' shall mean the business, undertaking or enterprise of furnishing services."

2. Section 41 of Title 50 of the Code of Alabama of 1940 is hereby amended so that the said section shall read as follows:

"Section 41. GRANT OF SPECIFIC POWERS. Subject only to the constitution of the State of Alabama each authority incorporated under this chapter shall have power: to sue and be sued. To have a seal and alter the same at pleasure. To acquire, by purchase, gift, devise, lease or exercise of the power of eminent domain, or other mode of acquisition, hold and dispose of property real and personal, tangible and intangible and interests therein, in its own name, whether or not subject to mortgages or other liens, and to pay therefor in cash or on credit, and to secure and procure payment of all or any part of the purchase price thereof on such terms and conditions as it shall determine. To make and enter into contracts, indentures of trust, leases, and bonds. To borrow money and to issue revenue bonds payable solely out of revenues from its services as specified in such bonds, and to provide for the rights of the holders thereof. To fix, maintain and collect rates and charges for any services. To pledge all or any part of its revenues derived from its services. To make such covenants, in connection with the issuance of bonds or in order to secure the payment of bonds, that a private business corporation can make under the general laws of the state, notwithstanding that such covenants may operate as limitations on the exercise of any of the powers granted by this chapter. To enter on any lands, waters, and premises for the purpose of making surveys, soundings and examinations. To pay to the municipality the whole or any part of the amount necessary to be raised by taxation of such municipality in order to pay when due notes, bonds or other obligations issued by such municipality in relation to any plant or system the management, supervision, control and possession of which is transferred pursuant to this chapter from such municipality to such author-

ity. To perform any and all acts and do any and all things by contract or contracts, or under, through or by means of its own officers, agents and employees. To purchase, produce or otherwise secure water, gas, and electric energy. To exercise all powers of eminent domain now or hereafter conferred on cities and towns in this state.

No bonds or other evidence of indebtedness of an authority shall be issued or sold until consent to the issuance and sale thereof shall have been given by the Department of Finance of Alabama or, in the event no such body is in existence at the time, by the Alabama Public Service Commission, to be evidenced by resolution or order granting such consent. Such consent shall be granted only after a public hearing and after a petition requesting such consent has been duly filed by such authority with the Department of Finance more than five days before such public hearing. Such petition shall specify the plan or program of the authority and the uses to which it is proposed to put the proceeds of such issues and such other matters as are necessary fully to advise such Department of Finance of the nature of the enterprise, and said petition shall include such other information as may be required by the rules of the Department of Finance. The Department of Finance shall grant such consent only after it finds that such issue or sale serves some public need, and is in the public interest. It shall be unlawful for the authority to use the proceeds of any such issue or sale contrary to the plan and purposes presented to the Department of Finance in obtaining its consent thereto. The authority applying for such consent is authorized to pay such fees as shall be lawfully assessed against it by the body to which it applies for such consent."

3. Section 44 of Title 50 of the Code of Alabama of 1940 is hereby amended so that the said section shall read as follows:

"Section 44. BONDS OF AN AUTHORITY. Bonds of an authority shall be authorized by resolution of the board of trustees of such authority and may be issued in one or more series, may bear such date or dates, mature at such time or times not exceeding forty years from their respective dates, bear interest at such rate or rates, not exceeding six per centum per annum, payable semiannually, be in such denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, be declared or become due before the maturity date thereof, as such resolution or resolutions may provide.

Said bonds may be issued for money or property (at public or private sale for such price or prices) as such authority shall determine, provided that the interest cost to maturity of the money or property (at its value as determined by such board of trustees, the determination of which shall be conclusive), received for any issue of said bonds, shall not exceed six per centum per annum, payable semiannually. Pending the preparation or execution of definitive bonds, interim receipts or certificates or temporary bonds may be delivered to the purchaser or purchasers of said bonds. Said bonds may, with the consent of the holder thereof, be purchased by such authority out of any funds available for such purpose, and all bonds so purchased shall be cancelled. Said bonds shall be construed to constitute negotiable instruments even though payable from a specified source."

This bill became an act on April 9, 1956 without approval by the Governor.

Act No. 69

H. J. R. 28—Simon, Murphy, Tyson

HOUSE JOINT RESOLUTION

WHEREAS S. P. Gaillard, senior member of the law firm of Gaillard and Gaillard, Mobile, Alabama, was born March 26, 1856, on the Frye Plantation on Flat Creek, Monroe County, was reared at Perdue Hill, Monroe County, and moved to Mobile in October, 1875, to study law under Thomas A. Hamilton, Esquire, and was admitted to the practice on July 5, 1881; and

WHEREAS he was elected to the Mobile County Board of School Commissioners in 1908, and became its president, but resigned to accept appointment to the Mobile County Board of Revenue and Road Commissioners, an appointment tendered without solicitation of any kind; and

WHEREAS he was elected to the Alabama Railroad Commission in 1914 (the name of which was subsequently changed to the Alabama Public Service Commission), and was re-elected in 1918 to the Alabama Public Service Commission; and

WHEREAS he served for a number of years as president of the Y.M.C.A. of Mobile, is a Mason, and Life Elder and member of the Central Presbyterian Church of Mobile; and

WHEREAS he recently observed his one hundredth birthday and continues to be actively engaged in the practice of law, and is the oldest living member of the Alabama Bar Association, and is thought to be the oldest living member of the American Bar Association and the oldest person actively engaged in the practice of law in this country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That the Legislature extends its congratulations and best wishes to S. P. Gaillard, of Mobile, upon the passing of his one hundredth birthday, and upon this occasion does take note of and honor S. P. Gaillard for his long and useful life and distinguished career as a devoted public servant and member of the Alabama bar.

BE IT RESOLVED FURTHER, that the Clerk of the House transmit a copy of this resolution to S. P. Gaillard, at Mobile.

Approved: April 14, 1956.

Time: 9:31 A. M.

Act No. 70

H. J. R. 29—Windle, Richardson

HOUSE JOINT RESOLUTION

WHEREAS the members of the Legislature have learned of the recent death of the Honorable Robert G. Langdon, of Reform, a former member of the House of Representatives; and

WHEREAS he was long active in the civic affairs of his community and his State, having served on the Democratic Executive Committee of Pickens County and on the town council of Reform, and having been elected three times — in 1926, 1934, and 1950 — to represent Pickens County in the House of Representatives of the Legislature of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That the members of the Legislature express their grief and deep regret at the passing of Robert G. Langdon, and extend their sincere sympathy to the surviving members of his family.

BE IT RESOLVED FURTHER, that the clerk of the House transmit a copy of this resolution to the family of Robert G. Langdon.

Approved: April 14, 1956.

Time: 9:32 A. M.

Act No. 71

H. 141—Roberts, Reynolds

AN ACT

Relating to Madison County: To amend Section 15 of Act No. 213, S. 434, approved April 4, 1911 (Local Acts of Alabama, 1911, p. 215),

which established an inferior court, known as the inferior court of Huntsville, in precinct one of Madison County in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in such precinct, and defined the jurisdiction and powers of the court and of the judge thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15 of Act No. 213, S. 434, approved April 4, 1911 (Local Acts of Alabama, 1911, p. 215), as amended, is amended further to read as follows:

"The clerk shall receive as compensation not less than one hundred fifty dollars (\$150.00) nor more than two hundred fifty dollars (\$250.00) per month, the exact amount to be fixed by the judge of the court. The compensation of the clerk shall be paid out of the county treasury of Madison County on certificate issued to the clerk by the judge of the court once each month."

Section 2. This Act shall become effective upon the first day of the first month next following the date of its enactment.

Approved: April 14, 1956.

Time: 9:33 A. M.

Act No. 72

H. 143—Summerlin

AN ACT

Relating to the Second Judicial Circuit of Alabama; creating a fund for the use of the solicitor of said circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Solicitors fees imposed in the circuit court and hereafter collected in the Second Judicial Circuit of Alabama under the provisions of Title 11, Code of Alabama (1940), as amended, shall be paid into the county treasury of the county where the fee is imposed, to be used and expended as provided in Section 2 of this Act.

Section 2. The solicitor of the Second Judicial Circuit is hereby authorized to requisition expenditures against the fund provided in Section 1 of this Act for the payment of expenses necessarily incurred by him in discharging the duties of his office, or in promoting its welfare; and also for supplies, postal service, books, fixtures, and facilities for use in conducting the business of his office; that no requisition shall be made on the fund in any county of the circuit not sharing in the benefits flowing from such expenditure.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 9:34 A. M.

Act No. 73

S. J. R. 25—Van Antwerp

SENATE JOINT RESOLUTION

Resolved by the Senate, the House concurring that H. J. R. 28, be known and designated as the Simon, Murphy, Tyson and Van Antwerp resolution.

Approved: April 14, 1956.

Time: 9:35 A. M.

Act No. 74

S. J. R. 26—Lamberth

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House concurring, that H. J. R. 30 be known and designated as the Callahan, Lamberth and Roberts resolution.

Approved: April 14, 1956.

Time: 9:36 A. M.

Act No. 75

S. 10—Engelhardt, Lamberth and
Yarbrough (Randolph)

AN ACT

To provide an allowance to each judge of the Fifth Judicial Circuit payable by the counties composing said circuit to reimburse him for expenses incurred in the performance of his official duties.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be paid to each judge of the Fifth Judicial Circuit, by the counties composing the circuit, an allowance to reimburse him for expenses incurred in the performance of his official duties. Such allowance shall be in addition to the allowance to each judge which is payable out of the state treasury, and shall be in such sum as may be necessary to cause the

total amount allowed by both the State and the counties to equal eight hundred dollars (\$800) a year and no more. The allowance herein provided for shall be paid monthly from the general funds of the counties composing the Fifth Judicial Circuit on a pro rata basis calculated upon the assessed value of taxable property in the counties of the circuit for the previous fiscal year, as shown by the records in the tax assessors' offices, in such manner that each county shall pay such proportion of said expense allowance as the assessed value of the property in the county bears to the total assessed value of the property within the judicial circuit.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month next following its passage and approval by the Governor, or its otherwise becoming a law.

Approved: April 14, 1956.
Time: 9:37 A. M.

Act No. 76

S. 56—Engelhardt

AN ACT

To amend Act No. 299, H. 630, approved August 5, 1953 (Acts of Alabama 1953, page 360) entitled "An Act Relating to Macon County; providing for deputies sheriff and the amount and payment of their compensation."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 299, H. 630, approved August 5, 1953 (Acts of Alabama 1953, page 360) entitled "An Act Relating to Macon County; providing for deputies sheriff and the amount and payment of their compensation," is hereby amended to read as follows:

"Section 1. The sheriff of Macon County shall have and appoint one chief deputy and two additional deputies whose compensation shall be paid out of any funds in the county treasury not otherwise appropriated. The chief deputy shall be entitled to a salary of not more than three hundred dollars a month; one of the additional deputies shall be paid a salary of not more than two hundred seventy-five dollars a month, and the other one shall be paid a monthly salary of not more than two hundred fifty dollars. Such salaries shall be fixed by the court of county commissioners, board of revenue, or like governing body of Macon County."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 9:38 A. M.

Act No. 77

S. 50—Smith and Reeves

AN ACT

To amend further Section 34 of Title 11, Code of Alabama (1940), which relates to the fees and allowances of sheriffs.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34 of Title 11, Code of Alabama (1940), as amended, is amended further to read as follows:

“Sheriffs are entitled to receive the following fees for the following services:

“Services rendered in the incorporation of towns under the provisions of this Code, to be paid by the corporation\$5.00

“Serving and returning an application to perpetuate testimony, to be paid by the applicant 1.00

“Services in proceedings to incorporate railroads under the laws of this state; such fees as are usually allowed in civil proceedings.

“Services in cases of arbitration under the provisions of this Code, the customary fees for executing subpoenas, which must be paid jointly by the parties unless the arbitrators otherwise determine.

“Services in relation to persons of unsound mind, the same fees as are allowed for similar services in other cases, to be paid out of the county treasury, if such persons have no estate.

“Levying attachment 6.00

“Entering and returning the same25

“Summoning garnishee and making return 1.50

“Selling property attached, the same as for selling under execution.

“Serving summons and other mesne process, except subpoenas for witnesses, and returning the same, one dollar fifty cents, plus ten cents per mile for each mile traveled in serving

same, provided, that no mileage shall be charged for serving subpoenas.

"Summoning each witness and returning subpoenas75
"Impaneling a jury, in each case where a jury is sworn.....	.75
"Executing a writ of possession	5.00
"Making a deed to real estate sold	2.50
"Serving summons and making return in cases of forcible entry and detainer and unlawful detainer	1.50
"Executing writ of restitution in such cases	5.00
"Other services in such cases, the same fees as in circuit court.	
"Collecting execution for cost only	1.50
"Summoning a jury for any inquisition in the county, or under a writ of ad quod damnum, or dower, and attending on such jury, and taking inquest, per day, when no other provision is made by law	5.00
"Serving subpoenas on bills in chancery proceedings, and returning the same, for each defendant	1.50
"Serving scire facias, or notice in the nature thereof, and returning the same	1.50
"But no fee shall be charged by him for serving a scire facias on a defendant, juror or witness, when the same has been excused by the court without terms.	
"Serving any summons not herein provided for, and making return	1.50
"Serving attachment for contempt of court, or rule to show cause	1.50
"Taking and approving bonds of every kind	2.00
"Collecting money under execution: For the first two hundred dollars, five percent; for collecting all sums over two hundred dollars, up to and including five hundred dollars, four percent; and for collecting all sums in excess of five hundred dollars, three percent; but no commission shall be collected on costs.	
"Levying execution when sale is stayed after levy by a restraining order, one-half of the commission for selling under execution, to be paid by the party obtaining the order, to be taxed for his benefit, if successful, against the adverse party on the termination of the suit.	

"When an attachment is by him levied on personal property which is replevid, or the cause is settled without suit, he is entitled to one-half of the commissions upon the amount of the demand sued for, allowing him for making money on execution, to be paid by the party paying such demand, or deplevying such property; and, if such demand is afterwards collected upon execution, or other final process he must receive only one-half of the commissions; and if the plaintiff fails to obtain judgment, the amount so paid on the replevy of the property must be taxed as costs against him, and collected for the benefit of the defendant.

"Attendance upon the probate court when a jury is in attendance, or upon the circuit court when a jury is in attendance, each day, to be paid out of the county treasury 6.00

"And the clerk after adjournment of each session of such court shall certify to the court of county commissioners the number of days the sheriff so attended and the amount of his compensation therefor shall be drawn in favor of the sheriff on the county treasury.

"Discharging his duties in relation to the public roads, he is entitled to receive annually, on showing to the court of county commissioners that he has discharged his duties, to be paid out of the county treasury, not exceeding90.00

"Services under the provisions of this Code for the erection of dams and public mills: For the service of each writ, application or notice, and return thereon, fifty cents; for summoning a jury and attending and charging the same, and returning their inquest, five dollars, to be paid by the applicant before any other proceedings are had; for serving subpoenas and other services, the same fees as in other cases, to be paid by the unsuccessful party, for which execution may issue.

"Seizing personal property under writ of detinue 6.00

"Taking care of such property, such just compensation as the court may fix.

"Impaneling grand juries, advertising and attending all elections, in his county, and for all other public services not otherwise provided for, such sums as may be just, to be allowed by the county commissioners court, upon presentation of a verified account showing the items of service rendered, to be paid out of the county treasury, not exceeding six hundred dollars per annum.

"For serving notice upon elector to show cause why his name should not be stricken from registration list65

"When the sheriff is required by law to serve any process or paper, except subpoenas for witnesses, by delivery to a person, he shall receive ten cents per mile for each mile traveled in serving same.

"In all counties in this state where the sheriff is on a salary or whose compensation is paid out of the county treasury he shall collect such fees and shall remit the same to the treasury of said county."

Approved: April 14, 1956.

Time: 9:39 A. M.

Act No. 78

H. 146—Stokes

AN ACT

To repeal Act No. 105, H. B. 157, which became a law February 9, 1956, entitled, "An Act To permit banks now or hereafter having a combined paid-in capital and paid-in earned surplus of more than Six Hundred Thousand Dollars and situated in Counties having a population according to the 1950 or any subsequent decennial census of the United States of not less than 30,400 inhabitants nor more than 35,000 inhabitants, to establish, maintain, or operate new branches or branch banks, branch offices, branch agencies, additional offices or branch places of business within the limits of such County in which said bank is situated, for the receipt of deposits, payment of checks, lending of money, and the conduct of a general banking and trust business, by and with the written consent of the State Superintendent of Banks."

Be It Enacted by the Legislature of Alabama:

Act No. 105, H. B. 157, which became a law February 9, 1956, entitled, "An Act To permit banks now or hereafter having a combined paid-in capital and paid-in earned surplus of more than Six Hundred Thousand Dollars and situated in Counties having a population according to the 1950 or any subsequent decennial census of the United States of not less than 30,400 inhabitants nor more than 35,000 inhabitants, to establish, maintain, or operate new branches or branch banks, branch offices, branch agencies, additional offices or branch places of business within the limits of such County in which said bank is situated, for the receipt of deposits, payment of checks, lending of money, and the conduct of a general banking and trust business, by and with the written consent of the State Superintendent of Banks", is hereby expressly repealed.

Approved: April 14, 1956.

Time: 9:40 A. M.

AN ACT

To amend further Section 11 of Title 19, Code of Alabama (1940), which relates to the appointment of commissioners in condemnation proceedings; requiring the judge of probate to appoint the members of the county board of equalization to serve as commissioners in any condemnation proceeding where the county is a party to such proceeding, in any county having a population of not less than 39,550 nor more than 40,350 inhabitants, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11 of Title 19, Code of Alabama (1940), as amended, is amended further to read as follows:

“Section 11. If the application be granted, in whole or in part, the judge of probate must appoint three citizens of the county in which the lands sought to be condemned are situated, who shall possess the qualifications of jurors, who shall be disinterested, and who shall file a certificate along with their award that neither of them had ever been consulted, advised with, or approached by any person in reference to the value of the lands, or the proceedings to condemn the same prior to the assessment of damages, and that they knew nothing of the same prior to their appointment; and the judge of probate may fill any vacancy occasioned by death, failure to act, or any disqualification of any such commissioners from interest, prior knowledge of the subject-matter, or being consulted with, advised with, or approached in reference to the condemnation of such lands prior to appointment or assessment of the damages. Provided, however, that the judge of probate is authorized, directed and required to appoint the members of the county board of equalization to serve as commissioners in any condemnation proceeding where the county is a party to such proceeding, in any county having a population of not less than 63,750 nor more than 72,750 inhabitants, and in any county having a population of not less than 39,550 nor more than 40,350 inhabitants, according to the last or any subsequent federal decennial census.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.
Time: 9:41 A. M.

Act No. 80

H. J. R. 31—Merrill, Harrison, Lee (Barbour), Mathison, Goodwyn, Martin, Boyd, Faulk, Stokes, Solomon, McKay, Payne, Brassell, Dawkins, Lackey, Hanby, Cornett, Summerlin, Albea, Thomas, Vacca, Edwards (Jefferson), Shumate, Tyson, Fite, Edwards (Escambia), Hardy, Gilmer, Brewer, Haltom, Johnson (Elmore), Richardson, Grouby, Brown (Lee), Hawkins, Simon, Windle, McNider, Roberts, Hunt, Hare.

HOUSE JOINT RESOLUTION

WHEREAS, Dr. Hallie Farmer, director of the social science division of Alabama College, is recognized as one of the outstanding women in the United States in the fields of history and political science, and has become undisputed champion of the politically-minded women of Alabama; and

WHEREAS, Dr. Farmer has served with distinction on the faculty of Alabama College since 1927, and during her tenure at Alabama College has written many articles in the fields of history and political science as well as an excellent study of the legislative process in Alabama, and ranks as one of the foremost students of American state legislatures; and

WHEREAS, the many achievements of Dr. Farmer have redounded not only to the credit of Alabama College but to the credit of the entire State of Alabama as well; be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

The Legislature takes note of the many accomplishments of Dr. Hallie Farmer and extends to her, upon the announcement of her proposed retirement, grateful appreciation for her many fine contributions to the progress and welfare of the State of Alabama.

BE IT RESOLVED FURTHER, that the Clerk of the House transmit a copy of this resolution to Dr. Hallie Farmer.

Approved: April 14, 1956.

Time: 9:42 A. M.

Act No. 81

H. J. R. 27—Kendall, Fite

HOUSE JOINT RESOLUTION

WHEREAS, there are in the State of Alabama today thou-

sands of persons in need of hospital care and treatment and are financially unable to pay for such care and treatment, and

WHEREAS, it is not the American way for the deserving to be denied their God-given right of life, liberty and the pursuit of happiness; and one of the fundamental precepts of our democracy is that government is charged with the responsibility of looking to the health, education and welfare of its citizens, and

WHEREAS, the hospitals of Alabama are ready, willing and able to provide care and treatment to those in need but who do not have financial resources with which to pay for such care and treatment, provided some provision is made to pay the cost of rendering such care and treatment, and

WHEREAS, to be able to provide such care and treatment to the needy the hospitals have to remain on a sound financial basis and have to be able to acquire and pay for the many new scientific developments for the care and treatment of the sick and injured, and

WHEREAS, there is in Alabama today no uniform system for providing hospital care for those in need of it and unable to pay for it, and, indeed, in some counties no provision is made at all to provide such care, and

WHEREAS, it is highly probable that within the next few years the federal government may establish a program of indigent medical care on a matching basis, and in such event the State of Alabama would find it highly desirable to be prepared to participate in such a program; and further that such a program would be highly desirable in the state even without federal participation, now therefore,

BE IT RESOLVED by the House of Representatives, the Senate concurring, that a study commission of 5 members of the Legislature, to be composed of 3 members of the House to be appointed by the Speaker of the House and 2 members of the Senate to be appointed by the President of the Senate, be appointed to study the need for an indigent medical care program in Alabama and laws pertaining thereto; to study what other states have done in developing indigent medical care programs, and to make recommendations in a report to be filed not later than the 5th Legislative Day of the 1957 regular session. The commission shall work with interested private and public groups, including the State Health Department and State Pensions and Security Department. Members of the commission shall elect a chairman from among their number and shall meet as a commission at the call of the chairman. The members shall receive their regular legislative pay on the days in which they are

actually engaged in the performance of their duties, provided, however, that the maximum number of days for which the commission may meet shall not exceed 15 days.

Approved April 14, 1956.

Time: 9:43 A. M.

Act No. 82

H. J. R. 33—Dawkins

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Acts and Journals, respectively, of this Special Session of the Legislature, be bound respectively with the Acts and Journals of the last Special Session.

BE IT FURTHER RESOLVED that said Acts and Journals of the said Special Sessions shall not be bound for forty-five days and if within that forty-five days another Special Session is called, then said Acts and Journals shall be bound with the Acts and Journals of that Session so called.

BE IT FURTHER RESOLVED that any and all resolutions in conflict herewith are expressly repealed.

Approved: April 14, 1956.

Time: 9:44 A. M.

Act No. 83

H. 6—Hanby, Oden, Huddleston, Locke (Choctaw), Edwards (Jefferson), Stokes, Pirkle, Branyon, Edwards (Escambia).

AN ACT

To amend Section 12 of Act No. 1, H. 46, approved May 22, 1945, which Act provided for the regulation, control, and supervision of the drilling for and the production and use of oil and gas in the State of Alabama (General Acts, 1945, page 1).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12 of Act No. 1, H. 46, approved May 22, 1945, an Act providing for the regulation, control, and supervision of the drilling for and the production and use of oil and gas in the State of Alabama (General Acts, 1945 Regular Session, page 1) is amended to read as follows:

“(A) Whether or not the total production from a pool be limited or prorated, no rule, regulation, or order of the board

shall be such in terms or effect (1) that it shall be necessary at any time for the producer from, or the owner of, a tract of land in the pool, in order that he may obtain such tract's just and equitable share of the production of such pool, as such share is set forth in this section, to drill and operate any well or wells on such tract in addition to such well or wells as can without waste produce such share, or (2) as to occasion net drainage from a tract unless there be drilled and operated upon such tract a well or wells in addition to such well or wells thereon as can without waste produce such tract's just and equitable share, as set forth in this section, of the production of such pool.

“(B) For the prevention of waste, to protect and enforce the correlative rights of the owners and producers in a pool, and to avoid the augmenting and accumulation of risks arising from the drilling of an excessive number of wells, the Board shall, after a hearing, establish a drilling unit or units for each pool. A drilling unit, as contemplated herein, means the maximum area which may be efficiently and economically drained by one well, and such unit shall constitute a developed unit as long as a well is located thereon which is capable of producing oil or gas in paying quantities. It is provided, however, that the Board shall have no authority to fix a drilling unit in excess of forty (40) acres for any pool producing oil on the effective date of this Act, nor shall the Board have authority to fix a drilling unit for any pool capable of producing oil in excess of one hundred sixty (160) acres. The phrase “pool producing oil on the effective date of this Act” as used in this subsection shall not include acreage lying more than five (5) miles from a well producing oil in commercial quantities on said effective date and the limitation on the Board's authority imposed by the preceding sentence with reference to any pool producing oil on the effective date of this Act shall not apply to acreage lying more than five (5) miles from any well producing oil in commercial quantities in the same pool on said effective date. Notwithstanding the provisions of this section, all persons entitled to share in the oil produced from a tract or tracts of land may voluntarily agree to the creation or establishment of a drilling unit, or may authorize one or more of the persons entitled to share in such production to create or establish a drilling unit, containing as much or more acreage than drilling units established by the Board for the same pool, but not in excess of 160 acres; a drilling unit so created or established shall, subject to the approval of the Board, be valid and binding for all purposes even though such drilling unit contains more acreage than the Board has included, or is authorized by this section to include, in a drilling unit established by it for the same pool.

And provided further, that no drilling unit in excess of forty acres shall be established by the Board or by agreement for a well less than nine thousand nine hundred and ninety feet in depth.

“(C) Each well permitted to be drilled upon any drilling unit to a pool in a field with respect to which the Board has promulgated special rules shall be drilled at a location on the unit authorized by such special rules, and each well permitted to be drilled upon any drilling unit where the location thereof is not prescribed by special rules shall be drilled at a location on the unit authorized by rules of statewide application promulgated by the Board, with such exceptions as may be reasonably necessary, where it is shown, after notice and hearing, and the Board finds, that the unit is partly outside the pool, or, for some other reason, that a well located in accordance with applicable rules would be non-productive, or where topographical conditions are such as to make the drilling at an authorized location on the unit unduly burdensome, or where an exception is necessary to prevent the confiscation of property. Whenever an exception is granted, the Board shall take such action as will offset any advantage which the person securing the exception may have over other producers by reason of the drilling of the well as an exception, and so that drainage from developed units to the tract with respect to which the exception is granted will be prevented or minimized and the producer of the well drilled as an exception will be allowed to produce no more than his just and equitable share of the oil and gas in the pool, as such share is set forth in this section.

“(D) Subject to the reasonable requirements for prevention of waste and to the reasonable adjustment because of structural position, a producer's just and equitable share of the oil and gas in the pool (also sometimes referred to as a tract's just and equitable share) is that part of the authorized production for the pool (whether it be the total which could be produced without any restriction on the amount of production, or whether it be an amount less than that which the pool could produce if no restriction on amount were imposed) which is substantially in the proportion that the quantity of recoverable oil and gas in the developed area of his tract or tracts in the pool bears to the recoverable oil and gas in the total developed area of the pool, insofar as these amounts can be practically ascertained; and to that end, the rules, regulations, permits, and orders of the board shall be such as will prevent or minimize reasonably avoidable net drainage from each developed unit (that is, drainage which is not equalized by counter-drainage), and will give to each producer the opportunity to use his just and equitable share of the reservoir energy. In determining each producer's

just and equitable share of the authorized production for the pool, the board is authorized to give due consideration to the productivity of the well or wells located thereon, as determined by flow tests, bottom hole pressure test, or any other practical method of testing wells and producing structures, and to consider such other factors and geological or engineering tests and data as may be determined by the supervisor to be pertinent or relevant to ascertaining each producer's just and equitable share of the production and reservoir energy of the field or pool."

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 12, 1956.
Time: 8:28 A. M.

Act No. 84

H. 69—Fite

AN ACT

Relating to the municipality of Guin, in Marion County, Alabama: To alter, re-arrange, and extend the boundaries and corporate limits of the Town of Guin, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipality of Guin, in Marion County, Alabama, are hereby altered, re-arranged, and extended to include within the corporate limits of said Town of Guin, Alabama, the following described territory situated in Marion County, Alabama, in addition to that already within the corporate limits of said Town, to-wit: S½ of NE¼ of Section 4 and the SE¼ of NW¼ of Section 4, all in Township 13 South, Range 13 West.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.
Time: 9:50 A. M.

Act No. 85

H. 162—Faulk

AN ACT

Relating to Geneva County: Providing for the reidentification of each qualified elector of Geneva County; requiring the board of registrars to purge the list of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars in Geneva County is hereby directed to purge all list of the qualified electors in the county to the end that the names of all who are deceased or non-residents of the county, or have otherwise been disqualified from voting therein, shall be removed from such lists, and to the end that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 2. The board of registrars shall have authority to omit and remove from the lists of qualified electors in the county the name of any person who fails to reidentify himself or herself to the board of registrars in one of the ways hereinafter provided, prior to the first day of April, 1958; provided that no one who has registered as a qualified elector of the county since January 1, 1955, shall be required to reidentify himself or herself. Any person removed from the list of qualified electors, as herein provided, does not cease to be a qualified elector and shall not be subject to re-registration, but shall be subject only to the requirement that he or she reidentify himself or herself as a duly registered elector before being entitled to be listed on the list of qualified electors in the county.

Section 3. A voter may reidentify himself or herself in any one of the following ways:

(a) A voter may reidentify himself or herself by appearing in person at the office of the board of registrars or the probate judge, or one of the duly authorized employees of the board of registrars or probate judge, and answer such questions and submit such proof as may be set forth hereinafter to establish the voter's identity and place of legal residence, and to determine whether or not the voter has become disqualified from voting in the county. Reidentification shall be made by answering the questionnaire hereinafter provided for. The board of registrars shall furnish a sufficient number of questionnaires to the office of the judge of probate as may be required for the reidentification of voters.

(b) A voter may also reidentify himself or herself at any election at which the voter votes prior to April 1, 1958, by answering and signing the questionnaire hereinafter provided for, in the presence of a clerk, manager, inspector, or returning officer at such election who also shall sign the questionnaire as an attesting witness. The returning officer shall transmit each signed questionnaire to the judge of probate for transmittal to the board of registrars. The board of registrars shall furnish a sufficient number of blank questionnaires to the sheriff or party

executive committee, or other officer, agency, or committee charged with the duty of sending out election supplies, who shall cause a sufficient number thereof to be sent to each voting place to be held prior to April 1, 1958.

(c) A voter who is on active duty in the Army, Navy or Air Force of the United States or the husband or wife of a member of the Armed Forces on active duty, may also reidentify himself or herself by filling in and mailing to the office of the judge of probate, for transmittal to the board of registrars, the completed answer to such questions as set forth in the questionnaire hereinafter detailed, and the questionnaire must be witnessed by a commissioned officer of the Army, Navy, or Air Force.

(d) The questionnaire to reidentify a voter shall be in substantially the following form,

VOTERS REIDENTIFICATION QUESTIONNAIRE

Geneva County, Alabama

Date 195.....

Name
 First Middle Last

Legal Residence Address:
 Street

City or Town:

State:

Date of Birth:..... Sex..... Color.....

I now vote and I am a qualified elector in Precinct or Beat No....., Box No....., Geneva County, and I have not been disqualified from voting in the county.

I have resided in Precinct or Beat No.....for the past three months.

Signed:
 Signature of Voter

Witnessed before me this.....day of..... 195.....

REGISTRAR - PROBATE JUDGE - ELECTION OFFICIAL -
 COMMISSIONED OFFICER U. S. ARMED FORCES

Section 4. Any qualified elector in the county who shall have his or her name omitted or removed from the list of qualified electors in the county by reason of his or her failure to reidentify

himself or herself as hereinabove provided, or his or her name be otherwise purged therefrom, shall be entitled to have his or her name restored to the list of qualified electors by appearing in person and reidentifying himself or herself in person at the office of the board of registrars or judge of probate in the manner hereinabove provided for; however, after March 31, 1958, every qualified elector must have reidentified himself or herself at least thirty (30) days prior to voting.

Section 5. The board of registrars shall meet as often as necessary and on such dates as the board may by order fix for the purpose of purging the list of qualified electors of the county. The board may meet any number of days not exceeding thirty (30) days per annum in excess of the maximum now provided by law for the purpose of purging such list, and shall be entitled to the same per diem allowances for meeting on such dates, in excess of the maximum, as now provided by law.

Section 6. Any person who willfully makes a false statement in answer to the reidentification questionnaire to the board of registrars, the judge of probate, or the duly authorized employees of the board of registrars or judge of probate, or to the clerk, manager, inspector or returning officer or to the commissioned officer of the United States Army, Navy, or Air Force shall be guilty of perjury, and upon conviction shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

Section 7. The governing body of the county is hereby authorized to furnish to the board of registrars and the probate judge the supplies, equipment, printed forms, stationery and stamps necessary for the reidentification of voters.

Section 8. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.
Time: 10:00 A. M.

Act No. 86

H. 165—Roberts, Reynolds

AN ACT

To alter, extend, re-arrange, and re-define the boundaries and corporate limits of the City of Huntsville, annexing certain territory to the city, and making provision for the assessment and collection of municipal taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the City of Huntsville in Madison County are hereby altered, extended, re-arranged, and re-defined so as to include within the corporate limits of said municipality the following described land situated in said county:

All that part of Sections 17, 18, 19, 20, 28, 29, 30, 31, 32, and 33, Township 3 South, Range 1 East; Sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, Township 3 South, Range 1 West; Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 23 and 24, Township 4 South, Range 1 West; Sections 4, 5, 6, 7, 8, 17, 18, 19 and 20, Township 4 South, Range 1 East, Madison County, Alabama particularly described as beginning at the center of the west boundary of Section 16, Township 3 South, Range 1 West; thence from the place of beginning south 23, 760 feet to the southwest corner of Section 4, Township 4 South, Range 1 West; thence east 5,280 feet to the northwest corner of Section 10, Township 4 South, Range 1 West; thence south 10,560 feet to the southwest corner of Section 15, Township 4 South, Range 1 West; thence east 5,280 feet to the southeast corner of Section 15, Township 4 South, Range 1 West; thence south 2640 feet to the center of the west boundary of Section 23, Township 4 South, Range 1 West; thence east 15,016 feet to a point which is located 496.0 feet east of the center of the north boundary of the southeast quarter of Section 19, Township 4 South, Range 1 East; thence south 1320 feet to a point on the south boundary of the northeast quarter of the southeast quarter of Section 19, Township 4 South, Range 1 East, thence east 2144 feet to the center of the southwest quarter of Section 20, Township 4 South, Range 1 East, thence north 12,540 feet to the center of the west boundary of the southeast quarter of the northwest quarter of Section 8, Township 4 South, Range 1 East; thence east 2640 feet to the center of the east boundary of the southwest quarter of the northeast quarter of Section 8, Township 4 South, Range 1 East; thence north 660 feet to the center of the northwest quarter of Section 8, Township 4 South, Range 1 East; thence east 3960 feet to the center of the east boundary of the northwest quarter of Section 9, Township 4 South, Range 1 East; thence north 3960 feet to the center of Section 4, Township 4 South, Range 1 East; thence east 2640 feet to the center of the east boundary of Section 4, Township 3 South, Range 1 East; thence north 13,200 feet to the northeast corner of Section 28, Township 3 South, Range 1 East; thence west 6600 feet to the center of the north boundary of the northeast quarter of

Section 29, Township 3 South, Range 1 East; thence north 2640 feet to the center of the north boundary of the south-east quarter of Section 20, Township 3 South, Range 1 East; thence west 2640 feet to the center of the south boundary of the northwest quarter of Section 20, Township 3 South, Range 1 East; thence north 2640 feet to the center of the north boundary of the northwest quarter of Section 20, Township 4 South, Range 1 East; thence west 9240 feet to the center of the south boundary of Section 13, Township 3 South; Range 1 West; thence north 5280 feet to the center of the north boundary of Section 13, Township 3 South, Range 1 West; thence west 7920 feet to the northwest corner of Section 14, Township 3 South, Range 1 West; thence south 2640 feet to the center of the west boundary of Section 14, Township 3 South, Range 1 West; thence west 10,560 feet to the center of the west boundary of Section 16, Township 3 South, Range 1 West, which point is the place of beginning from which is excepted the following areas:

A. Beginning at the intersection of the north margin of Fifth Avenue with the west margin of Ninth Street said place of beginning being further described as being north 30 feet and west 950 feet from the center of the east boundary of Section 3, Township 4 South, Range 1 West; thence from place of beginning west along the north margin of Fifth Avenue 400 feet; thence north along the east margin of Tenth Street 690 feet; thence east along the south margin of Third Avenue 400 feet; thence south along the west margin of Ninth Street 690 feet.

B. Beginning at the intersection of the south margin of Tenth Avenue with the west margin of First Street said place of beginning is further described as being west 60 feet and north 627 feet from the center of the south boundary of Section 2, Township 4 South, Range 1 West; thence west along the south margin of Tenth Avenue 1690 feet to the east margin of Fifth Street; thence south along the east margin of Fifth Street 1855 feet to the north margin of Fifteenth Avenue; thence east along the north margin of Fifteenth Avenue 1690 feet to the west margin of First Street; thence north along the west margin of First Street 1855 feet to the place of beginning.

C. Beginning at the intersection of the east margin of Memorial Parkway with the north boundary of the southwest quarter of the northwest quarter of Section 12, Township 4 South, Range 1 West said place of beginning is further described as being located north 89 degrees 08 minutes east 564.6 feet from the center of the west boundary of the northwest quarter of Section 12, Township 4 South, Range 1 West; thence

north 11 degrees 15 minutes west along the east margin of Memorial Parkway 718.9 feet to the south margin of Bob Wallace Avenue Extended; thence north 78 degrees 45 minutes east along the south margin of Bob Wallace Avenue Extended; 637.7 feet to an angle in same; thence continuing north 73 degrees 02 minutes east along the south margin of Bob Wallace Avenue Extended 353.8 feet to the west margin of the right of way of the NC & St. L Railway; thence south 16 degrees 14 minutes east along the west margin of said N C & St. L railway right-of-way 956.9 feet to a point on the north margin of the southeast quarter of the northwest quarter of Section 12, Township 4 South, Range 1 West; thence south 89 degrees 08 minutes west 1100.4 feet to the place of beginning.

D. Beginning at the intersection of the south margin of Oakwood Avenue with the west margin of Dallas Avenue said place of beginning is further described as being south 30.0 feet and west 1716.5 feet from the center of the east boundary of Section 25, Township 3 South, Range 1 West; thence from the beginning south 24 degrees west along the west margin of Dallas Avenue 1210.7 feet to an angle in said Dallas Avenue; thence south 36 degrees 10 minutes west 347.5 feet to the intersection of the north margin of Stevens Avenue with the west margin of Dallas Avenue; thence due west along the north margin of said Stevens Avenue 238.0 feet to the east margin of First Street; thence north along the east margin of First Street 59.4 feet to a point which is located 50 feet measured at right angles from the center of the Southern Railway right-of-way; thence north 22 degrees east parallel to and 50 feet measured at right angles from the center of the Southern Railway right-of-way 390 feet to a point; thence north 68 degrees west along the north margin of Park Avenue which street is also known as Rison Avenue 875 feet to the east margin of Meridian Street; thence north 20 degrees east along the east margin of Meridian Street 670 feet to the south margin of Oakwood Avenue; thence east along the south margin of Oakwood Avenue 1300 feet to the place of beginning.

E. Beginning at the intersection of the south margin of Eighth Avenue with the east margin of Seminole Drive said place of beginning is further described as being east 659 feet and south 1234 feet from the center of Section 2, Township 4 South, Range 1 West; thence from place of beginning south along the east margin of Seminole Drive 808.5 feet to the north margin of the NC & St. L Railway spur track right-of-way; thence east along the north margin of said NC & St. L

Railway spur track right-of-way 1260 feet to a point; thence north 31 degrees 45 minutes west 950.6 feet to the south margin of Eighth Avenue; thence west along the south margin of Eighth Avenue 760.0 feet to the place of beginning.

F. Beginning at the intersection of the east margin of Park Boulevard with the south margin of Joe Bradley School property said place of beginning is further described as being south 1005.2 feet and east 23 feet from the center of the east boundary of Section 10, Township 4 South, Range 1 West; thence from place of beginning south along the east margin of Park Boulevard 780 feet to the north margin of an alley; thence east 112 feet to a point; thence south along the east margin of an alley 564.6 feet to the north margin of Linden Street; thence east along the north margin of Linden Street 679.9 feet to a point; thence south 262.5 feet to a point on the south boundary of the southwest quarter of Section 11, Township 4 South, Range 1 West; thence east 1813.7 feet to the center of the south boundary of Section 11, Township 4 South, Range 1 West; thence north along the east boundary of the southwest quarter of Section 11, Township 4 South, Range 1 West 1507.1 feet to a point; thence west 2617 feet to the place of beginning.

Section 2. The lands and property herein described which are annexed to the City of Huntsville by this Act shall be first assessed for municipal taxes on or after October 1, 1956, in the manner prescribed by law, and such taxes shall be first collected on and after October 1, 1957, as provided by law; municipal privilege license taxes shall not be applicable or collectible in said territory until October 1, 1956.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 8:26 A. M.

Act No. 87

H. 159—Brannan

AN ACT

To repeal Act No. 126, H. 194, approved February 21, 1956, entitled

"An Act To provide for reimbursement of circuit solicitors for expenses incurred in the performance of certain duties in the county court."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 126, H. 194, approved February 21, 1956, entitled "An Act To provide for reimbursement of circuit solicitors for expenses incurred in the performance of certain duties in the county court," is expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 10:02 A. M.

Act No. 88

H. 160—Brannan

AN ACT

To provide for reimbursement of the solicitor of the Twenty-eighth Judicial Circuit of Alabama for expenses incurred in the performance of his duties in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The solicitor of the Twenty-eighth Judicial Circuit of Alabama, who is required by law to perform the duties of the deputy or county solicitor in the county court, shall be entitled to the sum of one hundred dollars per month as reimbursement for expenses incurred in prosecuting cases brought in the county court. Such expenses of the solicitor shall be paid by the county treasurer or custodian of county funds at the end of each month from the solicitor's fund, which fund shall be composed of solicitor's fees heretofore or hereafter collected in cases brought in the county court.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 10:03 A. M.

Act No. 89

H. 161—Law, Johnson (Elmore)

AN ACT

Relating to rivers, streams and public impounded waters of any county having a population of not less than thirty-one thousand nor

more than thirty-five thousand according to the last or any subsequent federal decennial census: To authorize the director of conservation to zone such waters and designate the zones or areas thereof in which speed boats may be used or operated and the zones or areas for fishing, to prescribe safety rules and special rules and regulations governing the use and operation of boats and governing fishing in such waters, and to employ a safety patrolman to enforce such rules and regulations; to prescribe the duties of such safety patrolman; and to prescribe his salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The director of conservation is hereby authorized and directed to zone, and from time to time to re-zone rivers and streams and public impounded waters of any county in the state having a population of not less than thirty-one thousand nor more than thirty-five thousand, according to the last or any subsequent federal decennial census, and to designate the areas or zones thereof in which speed boats may be used and operated and the areas or zones thereof which shall be used for fishing.

Section 2. The director of conservation is authorized to fix the boundaries of zones or areas designated pursuant to Section 1 hereof, and to promulgate special rules and regulations governing the use and operation of speed boats in the zone or area designated for such boats and take such other actions as will promote safety in the operation of boats in such areas, and to promulgate special rules and regulations governing fishing in the zones or areas designated for fishing. Whoever violates any rule or regulation promulgated under the authority of this Act is guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars.

Section 3. The director of conservation is authorized to employ, and at his pleasure discharge, a safety patrolman, whose primary duty shall be to enforce the zoning and safety rules and regulations governing boating and fishing in any waters, which the director of conservation is hereby authorized to zone, and to make regular periodic surveys of the conditions existing in such waters and make reports thereof to the director of conservation, including therein recommendations relative to zoning and re-zoning of such waters; and who shall perform such other duties as the director of conservation assigns him. The safety patrolman shall have and exercise the same power and authority to enforce the game and fish laws of the state that game and fish wardens have, and in addition is hereby clothed with all the authority of law enforcement officers needed to enforce the zoning rules and regulations and the rules and regulations governing the use and operation of boats in such waters. The compensation of the safety patrolman shall be in the same amount and shall be paid in the same manner that the salary of game and fish wardens are paid.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 10:05 A. M.

Act No. 90

H. 163—Gist, Money

AN ACT

Relating to Jackson County, Alabama: To abolish the Jackson County Court and to create and establish in lieu thereof a court of record to be known as the "Jackson County Court of Law" to define the court's jurisdiction, powers and venue; to provide for its officers, their appointment and election, their powers, duties, tenure and compensation; to provide for the transfer of all cases from the dockets of the Jackson County Court to the Jackson County Court of Law; to provide for the transfer of certain causes now or hereafter pending in the Probate Court of Jackson County, Alabama, to the Jackson County Court of Law; to provide for the transfer of certain cases pending in the Jackson County Court of Law to the equity side of the Circuit Court; to invest said court with the powers and jurisdiction heretofore exercised by the Jackson County Court; to prescribe rules of procedure for said court; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide for the execution of the process of said court and the operation thereof; and to repeal all conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. That there be and there is hereby established in and for the County of Jackson, State of Alabama, a court of law which shall be called "Jackson County Court of Law," which shall be a court of record, and which shall have and exercise the jurisdiction, authority, function and powers hereinafter conferred upon it by this Act.

Section 2. That the said Court shall adopt a seal which shall be in the custody of the clerk of said court.

Section 3. That the judge currently serving as Judge of the Jackson County Court shall be the first judge of the Court hereby created, and shall serve as such judge until the expiration of the term for which he was elected judge of the Jackson County Court. At the general election for State and Court

Officers to be held in November, 1956, and every four (4) years, thereafter, a judge for said court shall be elected by the qualified electors of Jackson County, Alabama, voting at said election, whose term of office shall begin on the second Tuesday after the first Monday in January after his election. The judge of said court, before entering upon the duties of said office, shall take oath required by law to be taken by judges of the Circuit Courts of Alabama. The said judge shall be a qualified elector of Jackson County, Alabama; shall be a licensed practicing attorney; and shall be not less than twenty-five (25) years of age. In case of sickness or disqualification of the judge of said court, the law applicable to the appointment and service of special judges in the Circuit Courts shall apply. The judge of said court shall be subject to the same penalties for failure to attend upon the Court as are Circuit Judges of this State. The judge of said court shall keep an office in the Courthouse of Jackson County, Alabama, and it shall be the duty of the Board of Revenue of Jackson County, Alabama, to provide such office, and supply the same with necessary furnishings, fixtures, stationery, and supplies.

Section 4. That the first judge of the court hereby created shall receive a salary of \$3,000.00 per annum, payable in equal monthly installments out of the County Treasury at the end of each month, his signed receipt being required. Upon the expiration of the term of the first judge of the court hereby created and effective the second Tuesday after the first Monday in January, 1957, and thereafter, the judge of said court shall receive a salary of Thirty-Six Hundred Dollars (\$3600.00) per annum, payable in equal monthly installments out of the County Treasury at the end of each month, his signed receipt being required.

Section 5. Vacancies in the office of the judge of said court shall be filled by appointment by the Governor, and the person so appointed shall hold office as required by the Constitution of this State. Said judge may be removed from office in the manner, and for the causes, now provided by law for the removal of Circuit Judges.

Section 6. That the deputy solicitor appointed or elected for Jackson County Circuit Court shall represent the State in all criminal cases in said court, as ex-officio solicitor of the Jackson County Court of Law, and shall receive a salary of Twenty-four Hundred Dollars (\$2400.00) per annum, payable in equal monthly installments out of the County Treasury at the end of each month, his signed receipt being required, and said salary or compensation shall be in lieu of all other salary

or compensation now provided by law for said deputy solicitor in said county. For every conviction for a misdemeanor in the Jackson County Court of Law there shall be taxed and collected as a part of the costs and paid into the County Treasury the same solicitor's fees provided for conviction in such cases in the Circuit Courts of Alabama.

Section 7. The clerk of the Circuit Court of Jackson County, Alabama, shall be ex-officio clerk of the Jackson County Court of Law, hereby established, and he shall keep a civil and criminal docket of all cases brought before the court, and of the minutes and records as are now required by law to be kept by clerks of the Circuit Courts, and he shall have authority to issue all necessary summons and complaints as to all cases filed in the court, and all other civil and criminal process which clerks of the Circuit Courts are now required or empowered by law to issue, and shall have the same powers to issue warrants of arrest as a magistrate, returnable to the court created hereby. He shall have authority to swear witnesses at the trial of all cases in this court. It shall be the duty of the clerk to tax and collect in each civil and criminal case in the Jackson County Court of Law the same costs, fees, commissions, and compensations for services of the solicitor, the clerk, the sheriff, and the witnesses which are now allowed, or which may hereafter be allowed, by law to be taxed, charged, and collected in the Circuit Courts of this State, and he shall disburse the same fees, commissions and compensations as are now, or may hereafter be allowed, or required in Circuit Courts of Alabama, except as may be herein otherwise provided. It shall also be his duty to collect, or receive from the sheriff, all fines and forfeitures in the court, which he shall pay into the Jackson County Fine and Forfeiture Fund. He shall also have all other powers and discharge all other duties which shall devolve upon the clerks of the Circuit Courts of Alabama, and shall be subject to the same pains and penalties with regard to the duties of the office as by law provided in the Circuit Courts of Alabama. The deputy clerk of the Circuit Court of Jackson County, Alabama, shall be ex-officio deputy clerk of the Jackson County Court of Law, and shall exercise the same powers and perform the same duties as are exercised and performed in the Circuit Courts of Alabama.

Section 8. It shall be the duty of the clerk of said court to keep a record upon which shall be recorded all affidavits made before the clerk or judge of said court, or returnable by a justice of the peace, or judge of an inferior court in said county, to said court, and if any of said affidavits should be lost

or destroyed the record thereof or a certified copy of the said record shall be used the same as the original affidavit.

Section 9. That the clerk, with the approval of the judge of said court, is hereby authorized to purchase all necessary furnishings, records, stationery and supplies for the equipment and maintenance of said court, and the same shall be paid out of the County Treasury upon warrants drawn by the judge and signed by the clerk.

Section 10. That the judge of said court shall appoint a competent person capable of taking the proceedings of said court in shorthand, or by mechanical device or devices, as the official reporter for said court, and shall make an order of appointment of such official reporter, and when so appointed may be removed by the judge of said court at his discretion, and his duties shall be the same as are now provided by law for the reporter of the Circuit Courts of the State and he shall receive the same rate of compensation for transcribing the testimony or other proceedings as are now provided for said Circuit Court Reporter, but shall as a salary receive only the amount hereafter provided for in the next succeeding section hereof. Provided, however, the judge may from time to time appoint a temporary or acting court reporter whose compensation shall be on a per diem basis and shall not exceed Six Hundred Dollars (\$600.00) per year, which said compensation shall be paid by the Clerk from the funds collected as stenographer's fees.

Section 11. That in all cases in said court a stenographer's fee of Five Dollars (\$5.00) shall be charged and collected, except in cases where a money judgment is sought, in civil cases of less than One Hundred Dollars (\$100.00) as determined by the complaint, and in cases where there is a judgment by default, and in all criminal cases wherein the defendant pleads guilty before any testimony has been taken, there shall be charged and collected as stenographer's fee only one Dollar (\$1.00), which said funds shall be paid by the clerk to the official court reporter, if one has been appointed for said court, or retained by the clerk for payment of acting or temporary court reporter's compensation. Provided, however, that if the fees or compensations provided hereinabove to be paid to said official reporter shall amount to a sum of less than One Hundred Dollars (\$100.00) each month, the clerk shall, so long as sufficient monies are available from funds collected as stenographer's fees, pay to said official court reporter a minimum salary of One Hundred Dollars (\$100.00) per month from funds so collected as stenographer's fees.

Section 12. The sheriff of Jackson County shall, in person or by a deputy, or deputies appointed by him, said appointment to be approved by the judge of said court, be required to attend upon said court in preserving order, and execute all writs of process, and perform such other duties, in all respects as in the Circuit Courts of this State, and for himself and each deputy required for attendance upon said session of said court, he shall receive the same amount received by sheriffs and deputies in the Circuit Courts of the State of Alabama, payable out of the County Treasury upon his warrant, approved by the presiding judge, provided that the sheriff and his deputies shall not receive pay except for the time that the court is actually in session and none of such compensation to the deputies shall be shared in by the sheriff; and for the service by the sheriff of the process of said court, the sheriff shall receive the same fees and compensations for serving the process of the court as he receives under the laws of the State of Alabama or any laws enacted in the future by the Legislature of Alabama for the compensation of the sheriff for similar services in the Circuit Court.

Section 13. That said court shall be held at the courthouse of Jackson County, Alabama, and that said court shall be open at all times for the trial of cases and transaction of business. The judge of said court may determine and fix the time of holding the sessions of said court for the trial of all cases, both civil and criminal; provided, however, that all civil and criminal cases in which no jury is demanded, shall be called for trial at least once in each month, and for the trial of civil and criminal cases wherein juries have been demanded there shall be three sessions of court each year, the time of said sessions to be fixed by the court by order entered upon the minutes of the court. Provided, however, that this section shall not be construed to prevent the continuance of any case in said court, by agreement of counsel or the parties on good cause shown to the court, and when any cause is so continued to a specified time either for a cause shown to the court or by agreement of the parties or counsel, it shall not be necessary to call said case until the expiration of the time to which it has been continued. And provided further that the court shall have the right and power to call extra-ordinary sessions of said court whenever in the judgment of the court the same are necessary.

Section 14. Said court shall have concurrent jurisdiction with the Circuit Court of Jackson County, Alabama, in civil cases where the amount involved does not exceed Five Thousand Dollars (\$5000.00), and original jurisdiction in all actions of

ejectment, civil cases where the amount involved does not exceed Fifty Dollars (\$50.00), as determined by the complaint, actions of unlawful detainer and forcible entry and unlawful detainer, and trial of the rights of property, irrespective of the amount involved, or the value of the property; provided, that in actions of unlawful detainer, and forcible entry and unlawful detainer the defendant may, within the time allowed for pleading, file an affidavit, and give bond as now authorized by law in actions of this kind, and thereafter the same shall be tried as other actions in ejectment.

Section 15. That all actions of ejectment, forcible entry and unlawful detainer, and other civil cases are to be tried by the court without the intervention of a jury unless at the time of filing the suit, the plaintiff shall endorse upon the summons and complaint a demand for a jury trial, or that the defendant or claimant at the time of filing the first pleadings in the case or at the time of making his appearance, shall demand a trial by jury, in writing, to be filed in the cause; provided, however, that all cases involving less than Fifty Dollars (\$50.00) shall be tried by the court without the intervention of a jury; and provided further that all criminal cases shall be tried without the intervention of a jury unless a demand for a jury is endorsed upon the bond at the time of making the same, or a demand in writing be filed in the cause within fifteen (15) days after the arrest of the defendant.

Section 16. That in all cases in the Probate Court of Jackson County, Alabama, wherein a will is sought to be probated, the filing of any contest shall automatically transfer the trial of such contest to the Jackson County Court of Law, and it shall be the duty of the Judge of Probate to deliver immediately to the clerk of such court all papers filed in said contest, and the same shall stand for trial as any other civil cause. That all notices shall be issued by the clerk of said court as are now required by law to be issued by the Judge of Probate in the contest of wills, and the rules for trying the same as provided in the trial of civil cases as to the drawing and empaneling of a jury, provided, however, that either party desiring a jury trial may file a written demand therefor at any time within thirty (30) days from the date of the filing of said cause in the Jackson County Court of Law, or at the time said cause is first called for trial if called within said time. That the final judgment entry of said contest shall be certified by the clerk of said court to the Judge of Probate and by him recorded in the Probate Court minutes and acted upon as though it had been rendered in the Probate Court.

Section 17. That civil causes may be transferred from the Jackson County Court of Law to the Circuit Court in Equity for the same reasons, in the same manner and under the same rules and regulations as is now provided for the transfer of causes from the law side of the Circuit Court to the equity side of said court.

Section 18. That in all actions of ejectment, forcible entry and unlawful detainer, and trial to the rights of property, and in all civil cases where the amount involved exceeds One Hundred Dollars (\$100.00), the defendants therein shall be required by the summons served upon them to appear and plead or demur to the complaint within twenty (20) days after the service of such summons and complaint upon them; and in all cases commenced by attachment, the defendants shall appear and plead or demur within twenty (20) days after service of the notice of the levy of the attachment or, in cases where the suit is brought against non-residents, or other persons whom service is had by publication, within twenty (20) days after the perfection of such service by publication, and in all other cases, the defendant must appear and plead within ten (10) days after service upon them; and in cases whether commenced by summons and complaint, attachment, or otherwise, any defendant failing to appear after service upon him has been perfected or notice given him as herein required, shall be held to be in default, and at any time thereafter, on motion of the plaintiff, judgment by default shall be rendered against him; provided that the court may for good cause shown, allow such judgment so obtained by default, to be set aside, and demurrers or pleas to be filed on such terms as the court may think best; provided, however, that in all cases when judgment by default has been rendered against the defendant, the plaintiff may execute a writ of inquiry before the court without the intervention of a jury, and have final judgment rendered thereon.

Section 19. That all garnishments issued from said court shall require an answer thereto within twenty (20) days, after the service thereof, and upon the failure of the garnishee to make such answer within twenty (20) days, he shall be deemed to be in default, and a judgment nisi may be rendered against him on the motion of the plaintiff, and unless otherwise ordered by the judge of said court, all citations, rules, writs of scire facias, and notices issuing from the said court, shall require the party against whom they are issued to appear and plead within twenty (20) days after notice thereof; and, if citation or notice is to be given by publication, then within twenty (20) days after the perfection of service by publication; that all cases whether commenced by a summons and complaint, attachment

or otherwise, shall be deemed and taken to be at issue and triable upon the appearance of the defendant, and his pleading to the complaint.

Section 20. That final judgments rendered in said court shall after the expiration of fifteen (15) days from their rendition be taken and deemed to have passed beyond the control of said court, as if the term of court at which said judgments were rendered had ended, provided, however, that nothing herein contained shall prevent the parties applying for a new trial or rehearing within fifteen (15) days, or change or destroy the office of motions for new trials or rehearing, when so made, or shall prevent parties from applying to the court for rehearing under the statute authorizing applications for rehearing in the Circuit Court.

Section 21. That after five (5) days from the rendition of any judgment, unless otherwise directed in said judgment, the clerk of said court shall issue execution returnable in not less than ten (10) nor more than thirty (30) days after the issuance of such execution; provided that nothing herein contained shall prevent any person from having execution issued within five (5) days upon making affidavit now provided by law in relation to the issuance of executions upon judgments in the Circuit Court, and provided further, that nothing herein contained shall prevent the superseding of executions after the issuance thereof upon filing bond as now required by law.

Section 22. That this court shall have exclusive jurisdiction of all cases appealed from justice of the peace, and all other inferior courts of Jackson County, and all cases appealed from the municipal courts and all original mesne processes, writs, notices, etc. shall be executed instanter, to be returnable immediately upon the execution thereof, by the officers receiving the same; and all cases so appealed shall stand for trial at any time after ten (10) days notice of the suing out of the appeal to the adverse party, the notice to be given as now provided by law.

Section 23. In all causes in the Jackson County Court of Law brought by appeal or certiorari from judgments of justices of the peace, recorders or other inferior courts, jurisdiction of which cases the said Jackson County Court of Law shall have, the issue and question of facts shall be tried by the judge of the court without the intervention of a jury unless a demand for a trial by jury be made in writing and filed in the cause by the party suing out the appeal or certiorari within ten (10) days after suing out the same, or filed in the cause by the opposite

party in all civil cases within ten (10) days after he has been served with notice of appeal or certiorari, unless said cause is sooner called for trial in which case the demand shall be made at the first call of said cause.

Section 24. Prosecutions for misdemeanors committed in Jackson County may be instituted in this court by making an affidavit before the judge of said court or the clerk thereof, the writ on said affidavit to be issued by the clerk of said court, and when the defendant is arrested on said affidavit, said case shall go on the docket for trial, and be tried as though the defendant has been indicted by a grand jury, provided, however, that the affidavit or complaint may be amended as now provided for amendment of such papers by Code of Alabama, 1940, Title 13, Section 347.

Section 25. The judge of said court shall have power to issue search warrants, writs of habeas corpus, prohibition, certiorari, quo warranto, and all other special and extraordinary writs, except such as are peculiar to a court of chancery; and the rules of the Circuit Courts of Alabama as are now or which may hereafter be provided by law, except as otherwise provided in this Act, shall prevail in the Jackson County Court of Law, and the Judge thereof shall have the same power and authority including punishment for contempt as is or may hereafter be conferred upon judges of the Circuit Courts of Alabama, unless otherwise provided in this Act.

Section 26. That if for any reason, a forfeiture be taken on any bond on the criminal side of said court, the court may order the alias capias returnable within ten (10) days, and unless the party, or parties, against whom the forfeiture is taken, shall appear and show cause, when the forfeiture is returnable, why the forfeiture should not be made final, then the court is hereby authorized and empowered to make the judgment final.

Section 27. The venue in any case in the said Jackson County Court of Law may be changed to other counties under the same orders and regulations as govern change of venue in the Circuit Court.

Section 28. That all jurors for Jackson County Court of Law shall be summoned from the entire county; that the venire for said court shall consist of not less than forty-four (44) jurors drawn as provided by law for the drawing and summoning of jurors for the Circuit Courts of Alabama.

Section 29. That the Supreme Court and the Court of Appeals of this State shall have appellate and supervisory jur-

isdiction over said court, and the judge thereof, which may be exercised in the same manner as such jurisdiction may be exercised over the Circuit Courts of the State, and the judges thereof, and appeals may be taken from the orders and judgments of said court to the Supreme Court and Court of Appeals in the same manner, and within the same time as appeals are now taken from the orders and judgments of the Circuit Courts of the State.

Section 30. That the Act, as amended, creating the Jackson County Court is hereby repealed; and the Jackson County Court is hereby abolished; and from and after the passage of this Act the Jackson County Court shall no longer exist; and all cases, both civil and criminal, pending in said Jackson County Court when this Act becomes a law shall immediately become pending upon the dockets of the Jackson County Court of Law as though originally brought in said Court. That all files, papers, costs and judgment entries pertaining to all cases now pending or heretofore filed in the Jackson County Court shall be and the same are hereby transferred to the Jackson County Court of Law and all further proceedings thereon shall be had as if the cases had originated in the Jackson County Court of Law, or as if the judgments has been obtained in this Court.

Section 31. That all laws, both local and general, in conflict with this Act, are hereby repealed.

Section 32. That the provisions of this Act are hereby declared to be severable. If, for any reason, any section, provision or clause of this Act shall be held to be unconstitutional or invalid, then that fact shall not destroy the constitutionality of this Act except as to that clause or section.

Section 33. That the provisions of this Act are to take effect from and after the approval thereof.

Section 34. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved: April 14, 1956.

Time: 10:06 A. M.

Act No. 91

H. 5—Law, Johnson (Elmore)

AN ACT

To regulate further the office of circuit solicitor of the Nineteenth Judicial Circuit of Alabama: Creating special funds for expenditure by the circuit solicitor in law enforcement and in the conduct of his office.

Be It Enacted by the Legislature of Alabama:

Section 1. All solicitor's fees hereafter taxed as costs and collected in the circuit court of any county in the Nineteenth Judicial Circuit shall be paid into the county treasury where the fee is imposed and collected to the credit of the solicitor's fund, to be expended by the circuit solicitor in law enforcement work in that county only as provided in Section 2 of this Act; provided that there shall never be on deposit to the credit of such solicitor's fund more than one thousand dollars and whenever there is on deposit in such fund as much as one thousand dollars all solicitor's fees collected shall be paid into the State treasury.

Section 2. The circuit solicitor of the Nineteenth Judicial Circuit is hereby authorized and empowered to make requisition on the solicitor's fund for the payment of any and all expenses incurred by him for law enforcement and in the proper discharge and conduct of the duties of his office, as may be approved by the governing body of the county, except that such requisition for the payment of expenses shall not exceed one thousand dollars (\$1,000) in any one calendar year. The county treasurer or custodian of county funds shall pay out such funds upon requisition of the solicitor.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 10:15 A. M.

Act No. 92

H. 164—Perry, Meeks, Nice,
Lackey, Vacca

AN ACT

To amend Sections 3 and 4 of an Act of the Legislature approved September 4, 1951, General Acts of Alabama of 1951, page 1132, as amended by Act No. 579, General Acts of Alabama of 1955, page 1279, entitled: "An Act to levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in any county having a population of 400,000 or more according to the last or any subsequent federal census; to fix the rate or amount of such tax at, or at the rate of, two cents on each twelve fluid ounces or fractional part thereof of the above mentioned beverages; to provide that such tax shall be paid to the county for division, or distribution, between such county and the municipalities located therein; to pres-

cribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of that certain act of the Legislature, approved September 4, 1951, General Acts of Alabama of 1951, page 1132, as amended by Act No. 579, General Acts of Alabama of 1955, entitled: "An Act to levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in any county having a population of 400,000 or more according to the last or any subsequent federal census; to fix the rate or amount of such tax at, or at the rate of, two cents on each twelve fluid ounces or fractional part thereof of the above mentioned beverages; to provide that such tax shall be paid to the county for division, or distribution, between such county and the municipalities located therein; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act," be, and the same hereby is, amended to read as follows:

"Section 3. (a) Every distributor or seller of malt or brewed beverages shall in addition to all other taxes and licenses now imposed by law, pay a license tax to the county, and a license tax is hereby fixed and created which shall be a sum and amount equal to two cents on each twelve fluid ounces or fractional part thereof, per container of malt or brewed beverages, sold, distributed, delivered, stored, or taken out of storage within the county; provided, however, that where a container holds more than twelve ounces, but less than eighteen ounces, then such license tax shall be a sum equal to two cents on the first twelve fluid ounces and one cent on the additional six fluid ounces, or fractional part thereof, per container; provided further, that in the event malt or brewed beverages are authorized to be sold in a container which holds thirty-two ounces then in that event such license tax on such malt or brewed beverages sold in containers holding thirty-two ounces shall be a sum and amount equal to five cents on each thirty-two ounce container; provided, however, that where the additional license tax hereby required to be paid shall have been paid by a distributor or seller of malt or brewed beverages, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on the same identical beverage; provided further, however, that any distributor or seller, in

order to be exempt under this provision shall first comply with the provisions of Sub-section (b) of this section. (b) Any distributor or seller of malt or brewed beverages, selling, distributing, delivering, storing, or taking out of storage malt or brewed beverages purchased from any other distributor or seller of malt or brewed beverages who has paid the license tax thereon as fixed in Sub-section (a) of this section shall not be required to pay such license; provided, however, that in order to obtain such exemption such distributor or seller claiming such exemption must, on or before the 15th day of the month next preceding the month in which this Act becomes effective, and on or before the 15th day of each and every calendar month thereafter, file with the Probate Judge of the county, a written statement, sworn to and subscribed by such distributor or seller, claiming exemption, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the distributor, seller, or other person from whom purchased, received, or procured, and the brand of such malt or brewed beverages, the quantity of each brand of such malt or brewed beverages, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received, or procured, and the disposition thereof by such distributor or seller claiming the exemption; such statement to be made in form prescribed by the License Inspector. (c) Each and every distributor or seller of malt or brewed beverages, except such as claim and obtain exemption under the provisions of Sub-division (b) of this section, shall, on or before the 15th day of the month next preceding the month in which this Act becomes effective, and on or before the 15th day of each and every month thereafter, file with the Probate Judge and License Inspector of the county, on forms prescribed by the License Inspector, a written statement, sworn to and subscribed by such distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the distributor, seller, or other person from whom purchased, received, or procured, the brand of such malt or brewed beverages, the quantity of each brand of such malt or brewed beverages, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received, or procured, and which also shall contain a detailed, itemized statement showing the name and address of each and every distributor, or seller, or other person to whom any malt

or brewed beverages are sold, distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages, sold, distributed or delivered to each, the size and kind of containers of each brand of such malt or brewed beverages, and the date or dates on which sold, distributed or delivered; and any distributor or seller failing, refusing, or omitting to file such statement as herein prescribed shall be guilty of a misdemeanor and each day that such default continues shall constitute a separate offense. (d) The license herein fixed and prescribed in Sub-section (a) of this section shall and must be paid by each person against whom the same is levied, or who is liable or subject to such license under the provisions hereof, on or before the 15th day of each calendar month, at the time of filing the statement required by Sub-section (c) of this section, which license shall be based on the sale, distribution, delivery, storage and taking out of storage, of malt or brewed beverages, during the calendar month next preceding; and any person failing, refusing, or omitting to pay such license within the time herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense, and in addition to the other penalties herein provided for, there shall be added to such license tax a penalty of twenty per centum of the amount thereof for such delinquency, said penalty to be paid to the License Inspector, and by him paid into the general treasury of the county for the use of the county. (e) In the event that any such malt or brewed beverage is, or becomes, unfit for human consumption, such malt or brewed beverage shall be exempt from the tax levied hereby, provided, however, no such exemption shall apply unless a finding that such beverage is unfit for human consumption is made by the License Inspector in the manner provided for herein and unless the said beverage is returned to the brewery from which it was received. When it is claimed that any such malt or brewed beverage is unfit for human consumption, as a condition to obtaining such exemption, the person so claiming the same shall be required to submit to the License Inspector a statement, verified under oath, setting forth the circumstances, conditions, and facts rendering such beverage unfit for human consumption. In addition, such statement shall contain any other information deemed by the License Inspector to be material to the inquiry. After considering such statement and other information, the License Inspector shall make a finding in writing as to whether said beverage is unfit for human consumption. If the License Inspector finds such beverage unfit for human consumption, then upon satisfactory proof being made to the License Inspector by said claimant that said bev-

erage has been returned to the brewery, the exemption provided for herein shall be allowed."

Section 2. That Section 4 of that certain Act of the Legislature, approved September 4, 1951, General Acts of Alabama of 1951, page 1132, as amended by Act No. 579, General Acts of Alabama of 1955, page 1279, entitled: "An Act to levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in any county having a population of 400,000 or more according to the last or any subsequent federal census; to fix the rate or amount of such tax at, or at the rate of, two cents on each twelve fluid ounces or fractional part thereof of the above mentioned beverages; to provide that such tax shall be paid to the county for division, or distribution, between such county and the municipalities located therein; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act," be and the same hereby is, amended to read as follows:

"Section 4. (a) It shall be unlawful for any distributor, seller, or any person having no place of business within the county to make any sale, distribution, or delivery of malt or brewed beverages within the county without first having qualified by posting bond as provided in Section 8 hereof, and having obtained a written permit to do so from the Probate Judge of the county. Said permit shall show the name and address of such distributor or seller together with the name and address of the distributor or seller or other person outside of the county from whom purchased, received or procured, the date such malt or brewed beverages are to be delivered or distributed into such county, the brand of such malt or brewed beverages, the quantity of each brand of such malt or brewed beverages, the size and kind of containers of each brand of such malt or brewed beverages and the name and address of each and every distributor, seller or other person to whom any malt or brewed beverages shall be sold, distributed or delivered within the county by such distributor or seller, his agents, servants or employees obtaining such permit. Such person, distributor, or seller, having no place of business within the county, shall be liable for and subject to the license tax fixed and specified in Section 3 of this Act, in addition to the penalties for violation of the provisions of this Act; provided, however, that nothing contained in this Act, shall authorize any sale, distribution, or delivery of malt or brewed beverages in the county if such sale,

distribution, or delivery is prohibited by any other laws of this state. (b) It shall be unlawful for any licensed distributor, or seller, or any person having a place of business within the county to transport, distribute, or deliver into such county, any malt or brewed beverages without first obtaining written permission from the Probate Judge of said county, to transport, deliver, or distribute such malt or brewed beverages to or within said county. Said permit shall show the name and address of such distributor or seller together with the name and address of the distributor, or seller, or other person outside the county from whom purchased, received, or procured, the date such malt or brewed beverages are to be delivered or distributed into such county, the brand of such malt or brewed beverages, the quantity of each brand of such malt or brewed beverages, the size and kind of containers of each brand of such malt or brewed beverages, and the name and address of each and every distributor, seller, or other person to whom any malt or brewed beverages shall be sold, distributed or delivered within the county by such distributor or seller, his agents, servants or employees obtaining such permit. Provided, however, this subsection shall not apply to shipments of malt or brewed beverages when shipped direct from the brewery to a licensed and properly qualified distributor's or seller's warehouse or place of business in such county. (c) It shall be unlawful for any distributor, seller, or person to distribute or deliver any malt or brewed beverages in such county without having painted on the side of the truck or vehicle used in transporting such malt or brewed beverages, or on a sign securely attached thereto, his business name and address along with his permit number in letters of not less than four inches in height; provided, however, that any licensed retail dealer may transport in his own vehicle malt or brewed beverages from any licensed distributor's warehouse to his place of business within any such county if the driver of said retail dealer's vehicle shall have in his possession an invoice of even date showing the name and address of such distributor's warehouse, together with the name and address of the retail dealer, the brand of such malt or brewed beverages and the quantity thereof. (d) The License Inspector, his agent, or any peace officer of said county, shall have authority to seize without warrant any and all malt or brewed beverages on which the license tax levied by this Act has not been paid, including the containers or packages in which such malt or brewed beverages are found, in the possession of any person not qualified as provided in this section, or of any person violating the provisions of this section, and such malt or brewed beverages in the possession of such unqualified person are hereby declared to be contraband goods and upon such confiscation

shall be delivered to the Probate Judge for sale at public auction to the highest bidder after due advertisement. If there be in such county a county purchasing agent the Probate Judge may deliver such malt or brewed beverages to such purchasing agent to be sold at public auction as herein provided. The proceeds of the sale of any such malt or brewed beverages sold hereunder after paying all costs shall be distributed by the Probate Judge as provided in Section 10 of this Act; provided, that after the costs of confiscation and sale are paid and before distribution by the Probate Judge, the arresting officer or officers shall receive one-fourth of the proceeds. (e) In all cases of seizure of any malt or brewed beverages hereinafter made as being subject to forfeiture under the provisions of this Act, which, in the opinion of the officer or person making the seizure, are of the appraised value of fifty dollars (\$50.00) or more, the said officer or person shall proceed as follows: First, he shall cause a list, containing a particular description of the malt or brewed beverages, showing the quantity of each brand of such malt or brewed beverages, the size and kind of containers of each brand, the date or dates on which confiscated and the person or persons from whom confiscated, to be prepared in duplicate, and an appraisalment made thereof by three sworn appraisers to be selected by him, who shall be respectable and disinterested citizens of the county in which said beverages are seized and residing in the county wherein the seizure was made. Said list and appraisalment shall be properly attested by said officer or person, and said appraisers shall be allowed the sum of one dollar (\$1.00) per day not exceeding two days to be paid by the probate Judge out of any revenue received by him from the sale of the confiscated goods or the compromise which may be effected. Second, if the said malt or brewed beverages are believed by the officer making the seizure to be of value less than fifty dollars (\$50.00), no appraisalment shall be made. The said officer or person shall proceed to post a notice for three weeks in writing at three places in the county, that the seizure was made, describing the malt or brewed beverages, the quantity of each brand, the size and kind of containers of each brand, stating the time and place and cause of their seizure, and requiring any person claiming them to appear and make such claim within thirty days from the date of the first posting of such notice. Third, any person claiming said malt or brewed beverages so seized as contraband within the time specified in the notice, may file with the Probate Judge a claim in writing stating his interest in the articles seized, and shall execute a bond to the Probate Judge in the penal sum equal to double the value of the malt or brewed beverages so seized, but in no case will the said bond be less than the sum of two hundred

dollars (\$200.00), with sureties to be approved by the Probate Judge in the county in which the malt or brewed beverages are seized, conditioned that in the case of condemnation of the malt or brewed beverages so seized, the obligor shall pay to the Probate Judge the full value of the malt or brewed beverages so seized, and all costs and expenses of the proceeding to obtain such condemnation, including a reasonable attorney's fee. Upon the delivery of such bond to the Probate Judge, he shall transmit the same with the duplicate list or description of the malt or brewed beverage so seized to the county attorney of such county if there be a county attorney, or to the solicitor of the county in which such seizure was made, and the said county attorney or solicitor shall file a bill in the Circuit Court in Equity in the county where the seizure was made to secure the forfeiture of said malt or brewed beverages and the containers and packages in which seized. Upon filing the bond as aforesaid, the said malt or brewed beverages shall be delivered to the claimant pending the outcome of said case; provided, however, the proper license tax must be paid by the claimant before said malt or brewed beverages are delivered by the Probate Judge. Fourth, if no claim is interposed or no bond given within the time above specified, such malt or brewed beverages shall be forfeited without further proceedings and the same shall be sold as herein provided. The proceedings against malt or brewed beverages pursuant to the provisions of this subsection shall be considered as proceedings in rem. (f) The Probate Judge may, in his discretion, return any malt or brewed beverages confiscated under this Act, when it is shown that there was no intention to violate the provisions of this Act, and if the quantity of such malt or brewed beverages does not exceed two cases, provided, such person or persons shall pay to the Probate Judge an amount equal to the license tax and penalties due and levied under the provisions of this Act, and in such cases no advertisements shall be made or notices posted in connection with said confiscation."

Section 3. Severability—If, for any reason, any clause, sentence, subsection, section or provision of this act, or the application thereof to any person, body, situation, or circumstance is held invalid or inoperative, the remainder of this act and the application thereof to any other person, body, situation, or circumstance shall not be affected thereby.

Section 4. Repealing Clause—All laws and parts of laws inconsistent or in conflict with this act are hereby expressly repealed.

Section 5. Effective Date—This act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 10:16 A. M.

Act No. 93

H. 95—Selman, Shumate

AN ACT

To provide for the election of the Chairman and members of the County Board of Education of Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Education of Walker County, Alabama, shall consist of four (4) members and a chairman. The chairman of said Board may be a resident of any District or Beat in the County, but the four members of said Board shall be elected from, be a qualified elector of, and shall reside in, each of four districts from which members of the county governing body are elected. The chairman of said Board shall be nominated by the voters of the whole county and shall be elected by the voters of the whole county. There must be one member of said Board who is a resident of District One and he shall be nominated and elected by the voters of the whole county; there must be one member of said Board who is a resident of District Two and he shall be nominated and elected by the voters of the whole county; there must be one member of said Board who is a resident of District Three and he shall be nominated and elected by the voters of the whole county; there must be one member of said Board who is a resident of District Four and he shall be nominated and elected by the voters of the whole county. At the General Election to be held in 1958 there shall be elected two (2) members of the Board, one from District No. One and one from District No. Three, and every six (6) years thereafter there shall be a member elected from each of such Districts. At the General Election to be held in 1956 there shall be elected two (2) members of the Board, one from District Two and one from District Four, and every six (6) years thereafter there shall be a member elected from each of such Districts. The chairman of said Board who was elected in 1954 shall serve until the General election to be held in 1960 and until his successor shall have been elected and qualified. The members of the Board and the chairman of the Board shall hold office for a period of six (6) years from the time they shall have been elected, and they may take office as soon after their election as they shall qualify, and may hold office until their successors shall have been elected and qualified.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Section 4. The Superintendent and board members shall be subject to all the general laws and the Constitution of the State of Alabama governing county boards of education not in conflict herewith.

Approved: April 14, 1956.
Time: 10:17 A. M.

Act No. 94

H. 166—Fite

AN ACT

Relating to the municipality of Hamilton, in Marion County, Alabama: To alter, re-arrange, and extend the boundaries and corporate limits of the Town of Hamilton, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipality of Hamilton in Marion County, Alabama, are hereby altered, re-arranged, and extended to include within the corporate limits of said Town of Hamilton, Alabama, the following described territory, situated in Marion County, Alabama, to-wit:

The E½ of the E½, Section 33; all of Section 34; all of Section 35, lying west of the Buttahatchee River, Township 10 South, Range 14 West; and all of Sections 3 and 10, Township 11 South, Range 14 West. The N½ of N½, Section 15; and all lying north of the Buttahatchee River of S½ of NE¼, Section 15, Township 11 South, Range 14 West. All lying west of the Buttahatchee River of the NW¼, Section 14, Township 11 South, Range 14 West; all of Sections 11 and 2, Township 11 South, Range 14 West, lying west of the Buttahatchee River.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.
Time: 10:18 A. M.

Act No. 95

H. 169—Meeks, Lackey, Perry,
Nice, Vacca

AN ACT

To amend Sections 8, 9 and 10 of Act No. 551 of the Legislature of Alabama of 1953 approved September 9, 1953, General Acts of Alabama of 1953, page 766, entitled: "An act to provide for the establishment and administration of a Retirement System for County Employees in Jefferson County, Alabama, and for the payment of benefits to the employees of said County."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 8 of Act No. 551 of the Legislature of Alabama of 1953 entitled "An Act to provide for the establishment and administration of a Retirement System for County Employees in Jefferson County, Alabama, and for the payment of benefits to the employees of said County," approved September 9, 1953, be and the same is hereby amended to read as follows:

"Section 8. 'METHOD OF FINANCING': (a) 'Salary Deductions': Every member of the retirement system shall pay into the retirement fund five per cent (5%) of his monthly wage or salary paid to him by the County, but if such wage or salary exceeds Four Hundred Dollars (\$400.00) per month, then only five per cent (5%) of the first Four Hundred Dollars (\$400.00) thereof. The County governing body is hereby directed to cause such deductions to be made each payroll period; and the aggregate amount so deducted from the salaries covered by said payrolls shall be paid over to the Treasurer of the retirement system. All such payments for salary deductions shall be deposited in the retirement fund herein created. (b) 'County Contributions': (1) Each payroll period an amount equivalent to that deducted from the employees' salaries shall be contributed by the County and shall be paid into the retirement fund by the County governing body out of the general fund of the County. All of the funds remaining of the contributions heretofore paid by the County and the employees to the retirement fund under said Act 810, 1951 General Acts, page 1411, approved September 11, 1951, are hereby required to be paid to the retirement system created by this Act immediately after the effective date hereof. Such funds to be paid into the system created by this Act shall include all investments and earnings of the retirement system created by Act 810, 1951 General Acts, page 1411, approved September 11, 1951. The County Commission of Jefferson County shall cause to be paid into the retirement fund created by this Act the sum of \$100,000.00 payable at the rate of \$12,500.00 per year, the first payment to be on the 15th day of November, 1953, and a like sum each year thereafter on the 15th day of Novem-

ber until the said \$100,000 is paid in full. (2) If any member, either before or after the effective date of this act, shall have left the service of the County for the purpose of entering the service of the Armed Forces of the United States, and shall have been granted a military leave of absence for such purpose under the laws, rules, and regulations governing the employees of the County, and shall not have been dishonorably discharged from such Armed Forces and shall have been reinstated to the service of the County within ninety days after his separation from such Armed Forces, then the County shall promptly pay into the fund an amount equal to twice the contribution which the employee would have made if he had not been absent on such leave and if his wages or salary had continued to be the same as he was earning at the time of the commencement of his leave, provided, however, that no part of such payment by the County shall be refundable to the employee under any provisions herein for the return of employee contributions."

Section 2. That Section 9 of said Act No. 551 of the Legislature of Alabama of 1953 be and the same is hereby amended to read as follows:

"Section 9. 'RETIREMENT FOR SUPERANNUATION':
 (a) 'Requirements': Whenever any person who is a member of the retirement system has made contributions to the system for a period of not less than five years and has in addition thereto ten years' creditable service and has attained the age of sixty years, he shall be eligible for retirement for superannuation but such retirement shall not be compulsory. Provided, however, that any person who became a member of the former retirement system created by that Act of the Legislature, No. 810, page 1411, General Acts of Alabama of 1951, approved September 11, 1951, and who has been in the employment of the County for a period of not less than five years and has attained the age of sixty years, shall be eligible for retirement for superannuation in the event such member shall have made the required contributions to the fund for a period of not less than five years. Any member shall be eligible for retirement for superannuation upon the completion of thirty or more years of service; provided, however, that if at the time of retirement such member has not attained the age of sixty years, the amount of his monthly pension, computed in accordance with the appropriate one of the formulas set forth in sub-sections (1) and (2) of sub-section (b) hereof, shall be reduced in the amount hereinafter provided in sub-section (4) of sub-section (b) hereof. Any member who is eligible for retirement, and who desires to retire, shall be granted the benefits herein provided for upon a written application by himself or, in the event he is mentally or physically incapacitated, by someone acting in his behalf,

such application to be filed in the office of the Board. (b) 'Benefits': Upon retirement, if such member is then age sixty or has previously attained his sixtieth birthday, or has previously retired under that retirement system created by that Act of the Legislature, No. 810, page 1411, General Acts of Alabama of 1951, approved September 11, 1951, he shall receive a monthly pension for the remainder of his life to be determined by the appropriate one of the following formulas:

(1) If such member were an employee of Jefferson County on January 1, 1940:

(i) one-half of one per cent ($\frac{1}{2}\%$) of his monthly rate of compensation not in excess of Three Hundred Dollars (\$300) on January 1, 1940, multiplied by the number of years of his creditable service which had accrued on January 1, 1940, as may not exceed twenty years; plus

(ii) one and three-fourths per cent ($1\frac{3}{4}\%$) of his average monthly rate of compensation for the sixty (60) months of his creditable service immediately preceding January 1, 1956, multiplied by the number of years of his creditable service accrued subsequent to January 1, 1940, and prior to January 1, 1956; provided that no part of any monthly compensation in excess of Three Hundred Dollars (\$300) shall be considered in determining 'average monthly rate of compensation' for the purposes of this sub-section (ii); plus

(iii) one and three fourths per cent ($1\frac{3}{4}\%$) of his average monthly rate of compensation for the sixty months, or lesser period, of his creditable service subsequent to January 1, 1956, and immediately preceding his retirement date multiplied by the number of years of his creditable service accrued from January 1, 1956, to the date of his retirement; provided, however, that only the number of years of his creditable service subsequent to January 1, 1956, as shall not exceed twenty years, reduced by the number of years of his creditable service accrued between January 1, 1940, and January 1, 1956, shall be considered for the purposes of this sub-section (iii); provided, further, that no part of any monthly compensation in excess of Four Hundred Dollars (\$400) shall be considered in determining 'average monthly rate of compensation' for the purposes of this sub-section (iii); plus

(iv) one per cent (1%) of his Final Average Monthly Compensation multiplied by the number of years of his creditable service accrued subsequent to January 1, 1940, as may exceed twenty years; provided that no part of any monthly compensation in excess of Four Hundred Dollars (\$400) shall be considered in determining Final Average Monthly Compensation for the purposes of this sub-section (iv).

(2) If such member became an employee of Jefferson County on or after January 1, 1940, his pension shall be computed as provided in sub-sections (ii), (iii) and (iv) of sub-section (1) hereinabove and sub-section (i) thereof shall be disregarded.

(3) In computing the amount of benefits under either of the foregoing formulas, a fractional part of a year of creditable service equal to or greater than one-twelfth shall be considered a whole year of creditable service, and a fractional part less than one-twelfth shall be disregarded.

(4) If such member shall have completed at least thirty years creditable service prior to retirement but shall not have attained his sixtieth birthday on or before his date of retirement, he shall receive a monthly pension payable for the remainder of his life to be determined by multiplying the monthly pension determined in accordance with the appropriate formula set forth in either sub-section (1) or (2) of sub-section (b) hereof by the percentage factor shown in the following schedule corresponding to the age of such member on his last birthday preceding the date of retirement.

Age of Member on Last Birthday Preceding Retirement	Reduced Pension on Account of Retirement before Age 60 Expressed as a Percentage of the Pension Which Would Have Been Payable at Date of Retirement If the Member were Then Age 60
59	93%
58	87
57	82
56	77
55	72
54	68
53	64
52	60
51	57
50	54
49	51
48	48

Section 3. That Section 10 of said Act No. 551 of the Legislature of Alabama of 1953 be and the same is hereby amended to read as follows:

"Section 10. 'DISABILITY ALLOWANCES': (a) 'Non-Service Connected': Any member who, after having accumulated ten or more years of creditable service, shall become so disabled, either mentally or physically, for any cause except as hereinafter provided, that in the opinion of the Board and the Medical Advisor he is incapacitated for further performance of his duties, shall during the continuance of such disability be entitled to receive monthly disability benefits to be determined by the appropriate formula as provided under Section 9 above, such formula to be applied as though the disabled employee were entitled to retirement for superannuation at the commencement of the disability, such benefits to begin sixty days after the commencement of such disability except that if he is entitled to sick leave with pay under the laws, rules and regulations governing County employees which would extend his regular pay to a time beyond the expiration of said sixty-day period, such benefits shall not begin until the exhaustion of such sick leave with pay. No disability allowance shall be made if a venereal disease or the use of intoxicating liquor or liquors or narcotic drug or drugs or willful misconduct of the disabled person be the cause of, or substantially contribute to, the disability or if the cause of disability be voluntarily and willfully brought about by the disabled person. (b) 'Service Connected': Any member who shall become so disabled that in the opinion of the Board and the Medical Advisor he is incapacitated for further performance of his duties by reason of personal injury received as a result of an accident arising out of and in the course of his employment in the service of the County and not due to his intoxication or willful misconduct, shall be entitled to receive monthly disability benefits during the continuance of such disability to be determined by the appropriate formula as provided under Section 9 above, such formula to be applied as though the disabled employee were entitled to retirement for superannuation at the commencement of the disability; provided, however, that no benefit arising under this sub-section for total disability determined by the Board and the Medical Advisor, prior to January 1, 1956, shall be at the rate of less than thirty per cent (30%) of such member's monthly salary or wage not in excess of Three Hundred Dollars (\$300.00) at the commencement of disability; and provided further that no benefit arising under this sub-section for total disability, determined by the Board and the Medical Advisor, on or after January 1, 1956, shall be at the rate of less than thirty per cent (30%) of such member's monthly salary or wage not in excess of Four Hundred Dollars (\$400.00) at the

commencement of disability. No benefits under this sub-section shall commence to accrue until the expiration of all leave with pay to which the disabled employee is entitled under the laws, rules and regulations governing County employees. (c) 'Partial Disability': In cases of partial disability arising under either (a) or (b) of this Section, the Board and the Medical Advisor shall determine the percentage of disability suffered and the member shall be entitled to that proportion of the amount which would have been payable to him if totally disabled which his percentage of disability is of total disability."

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 10:20 A. M.

Act No. 96

H. 180—Lackey, Vacca, Nice, Perry, Meeks

AN ACT

To amend Act No. 695, Acts of Alabama, Regular Session, 1951, page 1198, as amended by Act No. 414, Acts of Alabama, Regular Session 1953, page 513, entitled "An Act Relating to the registration and purgation of voters in counties having a population of 400,000 or more according to the 1940 or any succeeding decennial Federal Census; providing for the selection and compensation of the chairman of the Board of Registrars; providing for meeting days of the Board of Registrars for the registration and purgation of voters; conferring power on the Board of Registrars to establish, alter and consolidate election districts and precincts and designate voting places and to manage and control its office, to employ clerks and personnel subject to the provisions of any Merit or Civil Service System Act having application in such county, and to be the appointing authority of all of its employees subject to the provisions of any such Merit or Civil Service System Act, and to divest the governing body of such county and the Judge of Probate of such county of all such powers, functions and duties; and providing for county offices abolished by consolidation or abolition of precincts; and providing that this Act shall supersede all laws and parts of laws insofar as such counties are concerned."

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 3 of Act No. 695, Acts of Alabama, Regular Session, 1951, page 1198, as amended by Act No. 414, Acts of Alabama, Regular Session, 1953, page 513, entitled "An Act Relating to the registration and purgation of voters in counties having a population of 400,000 or more according to the 1940 or any succeeding decennial Federal Census; providing for the selection and compensation of the chairman of the Board of Registrars; providing for meeting days of the Board of

Registrars for the registration and purgation of voters; conferring power on the Board of Registrars to establish, alter and consolidate election districts and precincts and designate voting places and to manage and control its office, to employ clerks and personnel subject to the provisions of any Merit or Civil Service System Act having application in such counties, and to be the appointing authority of all of its employees subject to the provisions of any such Merit or Civil Service System Act, and to divest the governing body of such county and the Judge of Probate of such county of all such powers, functions and duties; and providing that this Act shall supersede all laws and parts of laws insofar as such counties are concerned," are amended to read as follows:

"Section 2. The Board of Registrars shall elect one of the members of such Board to serve as the chairman thereof. The chairman shall receive the same compensation as other members of the board and no more. Neither the last sentence of Section 21 nor any part of Section 56, Title 17 of the Alabama Code of 1940, nor Section 4 of Act No. 668, General Laws of Alabama, approved October 8, 1947 (1947 Acts, pp. 509 ET SEQ) shall have application to any of the counties described in Section 1 of this Act. From and after the effective date of this Act, the County Commission, Board of Revenue, or like governing body in such counties are hereby authorized and empowered to authorize and approve a monetary allowance not to exceed the sum of forty dollars monthly to be made to any of the members of the Board of Registrars for and on account of the use of an automobile owned or controlled by such member of the Board of Registrars in the event such automobile is used by such member of the Board of Registrars, partially or entirely, in connection with the performance of his official duties as a member of the Board of Registrars. The allowance herein provided shall be paid out of the funds of the County Treasury.

"Section 3. The Board of Registrars shall meet for the purpose of registering qualified persons as voters or electors at the courthouse on each Monday, Tuesday, and Wednesday in each week; provided, however, that if there is in any of the counties described in Section 1 of this Act a branch courthouse, the Board of Registrars shall meet at such branch courthouse on the last Wednesday in each month and on the preceding Monday and Tuesday for the purpose of registering qualified persons as voters or electors; and provided further, that the Board of Registrars shall not, during the two weeks immediately preceding any regular or special municipal, county, state, or federal primary or general election, register any person who will be entitled to vote at such election. The provisions of Sections 26 and 27, Title 17, Alabama Code of 1940, and of said Act No.

668, approved October 8, 1947, and of Act No. 6, General Laws of Alabama (Fourth Special Session), approved August 11, 1950, insofar as said Code Sections and said acts fix the time when the Board of Registrars shall or may meet for registering qualified voters or elections, shall have no application in any of the counties described in Section 1 of this Act."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 10:21 A. M.

Act. No. 97

H. 179—Meeks, Lackey, Nice,
Perry, Vacca, Kaul

AN ACT

To amend Section 5 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400), as amended by Act No. 345, approved August 15, 1947, (General Acts of the Legislature of Alabama of 1947, pages 222-229).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 5 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400), as amended by Act No. 345, approved August 15, 1947, (General Acts of the Legislature of Alabama of 1947, pages 222-229), be and the same is hereby amended so as to read as follows:

"Section 5. Citizens supervisory commission. There shall be a citizens supervisory commission of not less than five persons for each county subject to this act which shall consist of the persons who now are, and who from time to time shall be: (1) The judge or judges of the district court or district courts of the United States, for the district or districts having exclusive or concurrent territorial jurisdiction of such county or the largest part thereof, provided he or they be residents of such county. (2) The presidents, or other chief executive officers by whatever name called, of two institutions of higher learning which have been accredited by the Southern Association of Colleges and Secondary Schools for the longest period of time, if there be any in such county. (3) The president, or other chief executive officer, of the association, group, or society, if there be one in such county, comprising within its membership at least fifty-five per cent of the licensed practicing physicians resident in such county, and provided that not less than ninety

per cent of the membership of such association, group, or society shall consist of licensed physicians, and provided that any reputable citizen of such county who shall be licensed by the State of Alabama to practice medicine and who shall have paid his state and county license fee to practice shall, under the rules of such association, group, or society, be eligible to membership therein. (4) The president, or other chief executive officer, of the trades council, group, society or association, if there be one in such county with which is affiliated more than one-half of the unions or other organizations of the workers in the organized trades and crafts in such county, provided that no union or other labor organization shall be counted for the purposes of this act as affiliated with more than one such trade council group, society, or association in such county, and provided that if there be no council, group, society or association in such county with which is affiliated more than one-half of the unions or other organizations of the workers in the organized trades and crafts in such county, then the council, group, society, or association having the largest affiliation of such unions or organizations shall be here designated. (5) If there be in such county as many as three or more trades, crafts, groups, or divisions of workers, who are organized into what are commonly known as labor unions or organizations whose organizations are not affiliated with the trades council, group, society or association described in the sub-paragraph (4) immediately preceding this sub-paragraph, then such organized crafts, groups or divisions of workers may in any manner agreeable to the majority of the presidents, or other chief executive officers, of the locals of such non-affiliated labor organizations located in such county select one of such presidents, or other chief executive officers, as a member of the citizens supervisory commission who shall remain a member of such commission as long as his electors shall designate. This sub-paragraph shall be applicable solely to the county as a whole and not to the separate cities therein. (6) The president or other chief executive officer of the chamber of commerce, or other most nearly similar organization, of the largest city subject to this act in such county; provided, however, if there be two court houses in any such county, then the president or other chief executive officer of the chamber of commerce or other most nearly similar organization of the largest city subject to this act in each division of said county, provided that by 'chamber of commerce' is meant an organization to membership in which any reputable man engaged in mercantile, manufacturing, banking, jobbing, or similar businesses is eligible, and which most nearly of all organizations in such city regardless of name

performs the functions of such organizations as are commonly known as chambers of commerce. (7) The president or other chief executive officer of the junior chamber of commerce or other most nearly similar organization of the largest city subject to this chapter in such county, provided that by junior chamber of commerce is meant an organization substantially similar to chambers of commerce as defined hereinbefore, except that membership therein may be restricted by an age qualification, and if there be no organization in such city substantially like a junior chamber of commerce, representation for such city under this classification shall fail. (8) The president, chairman, or other chief executive officer, of any countywide council, group, society or association of Posts of the American Legion. By Post of the American Legion is meant a local organization with its meeting place in such county of persons who are residents of Alabama, and who actually served as soldiers, sailors or marines in the armed services of the United States of America. If at any time there be no such county-wide organization of such posts, then the president, chairman, commander or other chief executive officer of the post in the county which as of the first day of January of each year has the largest bona fide membership. (9) The president, or other chief executive officer by whatever name called of any council of parent-teacher associations of the entire county school system. (10) The President, or other chief executive officer, of the engineering council of the engineers' club having the largest membership of any engineers' club in the county, if there be such club or clubs in the county. (11) The president or other chief executive officer, of the county farm bureau of such county, if there be one. (12) The probate judge of such county. (13) The occupant of a position in the classified service of such county. Such commission member shall be elected in October of each year by the classified employees of such county, and his term as commission member shall begin November 1st thereafter and terminate October 31st in the next succeeding year. Such commission member shall not hold over beyond such term. Every such election shall be fairly noticed and held. Such election shall be called and conducted by the chairman of the commission. (14) The occupant of a position in the classified service of a municipality in such county. Such commission member shall be elected in October of each year by the classified employees of such county and his term as commission member shall begin November 1st thereafter and terminate October 31st in the next succeeding year. Such commission member shall not be held over beyond his term. Every such election shall be fairly noticed and held. Such election shall be called and conducted by the chairman of the commission. No employee of a municipality shall succeed himself as a member of the commission, and no employee of any municipal police or

fire department shall succeed any other employee of any municipal police or fire department as a member of the commission, and no employee of any other municipal department shall succeed an employee of the same municipal department as a member of the commission, and no single municipality shall have employee representation upon the commission for more than three successive terms. Vacancies on the commission due to death, resignation or any other cause shall be filled in the same manner that the member whose position is vacant was designated or elected. In the event one or more of the foregoing persons fail or refuse to serve, such fact shall not invalidate the acts of the commission, provided as many as five members of the commission serve. A majority of the persons serving as members of the commission shall constitute a quorum to do business but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by the rules and regulations of the commission. Each member of the commission, subject to this act shall be paid a per diem of ten dollars for attending a meeting of the commission. These expenses and the cost of giving notice of meetings shall be paid as other expenses of the personnel system are paid. The commission shall adopt, from time to time, such rules, regulations and modes of procedure as it deems expedient to enable it to dispatch in an orderly manner its business. The probate judge shall be chairman of said commission and shall have a vote only in case of a tie. He shall also examine and pass upon the credentials and right of each person presenting himself for membership on said commission to sit thereon both at the organizational meeting and at all subsequent meetings. Provided, however, it shall be the duty and responsibility of each organization which has a representative on this commission to present the proper credentials and qualifications of their representative to the probate judge, and it shall be the duty of the probate judge to keep or cause to be kept a permanent record of such credentials and qualifications. The probate judge shall discharge his duties hereunder, under the sanction of his oath as judge of probate and he shall administer the oath of office to the other members of such commission prescribed by Section 279 of the constitution of this state. The chairman may call upon the sheriff of the county or any deputy sheriff thereof, to attend the meetings of the commission and preserve order and execute the decisions, rulings and orders of the commission and of the chairman thereof. Provided, that if for any reason the probate judge is unable to attend because of illness or otherwise, the chief clerk to the probate judge shall act as chairman and shall be clothed with the same authority and responsibilities as are herein provided for the probate judge. The chairman may punish for contempt of the commission in like manner and ex-

tent as may be done by the circuit courts of this state. The chairman of the commission shall be the keeper and custodian of the minutes, records, property and paraphernalia of the commission, and may call upon the director of personnel to furnish him such clerical assistance, supplies and place of safe deposit for such records and property as he deems necessary. The chairman or the director of personnel under his supervision shall establish and keep in the office of the director of personnel a roster of the membership of the commission by place, office or position, and keep as nearly as possible up to date the changes in the persons occupying such places, offices or positions, and it shall be the duty of each person vacating a place, office or position which entitled him to a seat on such commission to notify the chairman of the name and address of the person who in his opinion, is, under the law his successor on such commission. At the organizational meeting all persons ruled eligible by the chairman to sit on said commission shall be seated as such and shall vote on all questions arising at such meeting. At any time after the organizational meeting has adjourned, any citizen of such county may file with the chairman of the commission written objection to the right of any person to sit on said commission. Such objection shall be based on the sole ground that such person is not one of those designated by this chapter for membership on such commission. The chairman shall rule upon said objection in writing and the first order of business at the next meeting of the commission shall be a report by the chairman of the objections and his ruling thereon. If no member of the commission other than the person affected by such ruling appeals from the ruling of the chairman, his ruling shall be final; if any appeal is made from the ruling of the chairman, all persons then seated, except the member affected, shall be entitled to vote on said appeal. In all matters a majority vote of the commission present, if a quorum be present, shall govern. The commission shall, except as herein otherwise provided, be the judge of the qualifications of its own membership. In addition to the original organizational meeting herein prescribed, the commission shall meet twice each year. One of such semi-annual meetings shall be held at noon on the third Tuesday in May and the other at noon on the third Tuesday in November. At the semi-annual meeting in November the commission shall receive the annual report of the personnel board and the chairman of the commission shall appoint an auditing committee from members of the commission to review and audit the books of the personnel board and director, make a written report, and deliver a copy of same to each member of the commission. At each semi-annual meeting the commission shall make such recommendations to the personnel board as it shall deem in the interest of the sound administration of this act in such county and shall fill any existing

vacancy on the board, and shall elect a successor to any member of the board whose term will expire before the next semi-annual meeting of the commission. At each semi-annual meeting, also, the commission shall review rules of the personnel board promulgated since the last semi-annual meeting of the commission, and may repeal any such rule of the personnel board which it may deem not in the interest of the sound administration of this chapter in such county, but shall not have power to amend any such rule or to promulgate any new rule within the province of the personnel board to adopt according to the provisions of this act. The word "rule" shall not be construed to mean orders, actions or decisions of the personnel board made in the administration of the act. The chairman of the commission or any five members thereof may call a meeting of the commission at the court house at the county site of the county, at noon on any Tuesday they deem it in the public interest for it to meet. Such notice shall be signed by the person or persons calling such meeting and shall state briefly the purposes of the meeting; shall be mailed to each person registered as a member of the commission or known to be such and published once each day for three consecutive days immediately preceding such meeting in some daily newspaper published in such county; if no such paper is published in the county, then by posting in a public place in the main and each branch court house in the county and in the city hall of each city in the county subject to this act more than five days before such proposed meeting. Notice of each semi-annual meeting shall be given in like manner, but failure of any member to receive notice by mail of any such meeting, either semi-annual or special, shall not invalidate it. Failure to call a semi-annual meeting shall not invalidate it. The members of the personnel board shall be subject to impeachment for the same causes and in the same manner as other county officers, as provided under Section 175 of the Constitution of Alabama."

Section 2. All laws and parts of laws in conflict herewith are expressly repealed.

Section 3. Severability. If, for any reason, any clause, sentence, subsection or section, or any provision of this Act, or the application thereof to any person, body, situation or circumstance is held invalid or inoperative, the remainder of this Act and the application thereof to any other person, body, situation or circumstance shall not be affected thereby.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 10:22 A. M.

Act No. 98

H. 115—Brassell

AN ACT

To amend further Act No. 344, H. 301, approved September 5, 1955 (Acts of Alabama, 1955, p. 780), which created the Fort Morgan Historical Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 344, H. 301, approved September 5, 1955 (Acts of Alabama, 1955, p. 780), as amended, which created the Fort Morgan Historical Commission, is amended further to read as follows:

“Section 8. The commission is hereby authorized to accept all gifts, bequests and donations from any source whatsoever. All gifts, bequests and donations, and all other monies accruing to the commission, including all monies appropriated by the Legislature of the State of Alabama, shall be deposited in the state treasury to the credit of the Fort Morgan Historical Commission, and shall be expended only on requisitions signed by the chairman or vice-chairman of the commission. All funds deposited in the state treasury to the credit of the commission shall be expended in accordance with the terms of the gift, bequest, donation, or appropriation from which such funds are derived, but in the absence of any such terms or stipulations, such funds shall be expended for such purposes as the commission may determine. No funds shall be expended for any purpose unless they have been allotted and budgeted in accordance with the provisions of Article 3 of Chapter 4 of Title 55, Code of Alabama (1940), in the amounts and for the purposes provided by the legislature in the general appropriation bill; provided, that funds appropriated for the biennium ending September 30, 1957, may be used for salaries, other expenses, equipment purchases, and capital outlay.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 10:23 A. M.

Act No. 99

H. 79—Harrison, Branyon

AN ACT

To amend further Section 9 of Act No. 424, H. 351, approved August 19, 1949 (Acts of Alabama, 1949, p. 601), which relates to absentee voting in primary, general, special and municipal elections.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 424, H. 351, approved August 19, 1949 (Acts of Alabama, 1949, p. 601), as amended, which relates to absentee voting in primary, general, special and municipal elections, is amended further to read as follows:

"Section 9. Any prospective absentee voter who meets the requirements prescribed in Section 2, above, may, not more than twenty days and not less than five days prior to the election at which he desires to vote, present himself before the register of the county wherein the election is to be held or before the person designated to serve instead of the register. If the name of the voter is on the official list of qualified voters of the county, or if the voter makes an affidavit for a challenged vote or presents a certificate from the judge of probate, and the register is satisfied that the voter is the person he claims to be, and a member of the party in which he claims to be a member, the register shall tender the voter the duplicate absentee ballot required for this Act, including necessary carbon paper, and the required envelope, first filling in the blanks in the upper left corners thereof. The official list of qualified voters herein referred to shall be furnished the register by the probate judge or other person preparing said list at least twenty-one days before the election.

Any disabled veteran meeting the requirements of Section 2 of this Act who is confined to a hospital or facility operated by the veterans' administration may, not more than forty-five nor less than five days prior to the election at which he or she desires to vote, make application by United States mail in writing, to the register or to the person designated to serve instead of the register, for an absentee ballot as herein provided to be made by a prospective voter in person. Such application shall have attached thereto a certificate signed by the authority in charge of such hospital, certifying that the applicant is a veteran then confined to such hospital. Any prospective absentee voter meeting the requirements of Section 2 who is a member of the Armed Forces of the United States of America, or the wife of any such person, if she meets the requirements of said section, may, not more than forty-five nor less than five days prior to the election at which he or she desires to vote, make application for an absentee ballot, as herein provided to be made by a prospective voter in person, by filling out the Federal post card application form, authorized and provided for under the provisions of "The Federal Voting Assistance Act of 1955" (Public Law 296, Chapter 656, H. R. 4048, approved August 9, 1955, 84th Congress, 1st Session), and mailing such application to the

register, or to the person designated to serve instead of the register. The affidavit herein provided to be attached to the absentee ballot shall be executed by the prospective voter in person before such commanding officer or authority in charge who shall certify to such fact. Such ballot shall be returned by United States mail to the register or to the person acting in his stead and shall be by him marked the day and hour of the receipt thereof. When received by the register or person acting in his stead, the ballot shall be handled and counted in the same manner as ballots voted before the register in person."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956

Time: 10:25 A. M.

Act No. 100

H. 97—Steagall

AN ACT

To provide an additional or alternative method or mode of serving notice or legal process on nonresident defendants or respondents in suits and proceedings at law and in equity.

Be It Enacted by the Legislature of Alabama:

Section 1. In all suits or proceedings at law or in equity when the defendant or respondent is a nonresident of Alabama and service or notice of process on such defendant or respondent may be made by registered or certified mail, the notice or other legal process may be served on the defendant or respondent in the manner or mode hereinafter authorized. Application shall be made in writing to the clerk or register of the court in which the suit or proceeding is brought or to the secretary of state or the other officer charged by law with the duty of making such service by registered or certified mail, accompanied by a deposit of a fee of two dollars, which fee shall be in addition to any and all other fees prescribed by law for service of notice or process and shall be the compensation of the officer personally serving the notice or process.

Section 2. When service or notice of legal process is requested pursuant to Section 1 of this Act the clerk of the court, the register of the court, the secretary of state, or the other officer charged by law with the duty of perfecting service of legal process by registered or certified mail, shall send a copy of the notice or summons or other legal process, along with a request

for personal service thereof on the defendant or respondent and the sum of two dollars, to be retained by the officer serving the process as compensation for such service, to the sheriff or some other law enforcement officer authorized to serve summonses and legal process in the state or country where the defendant or respondent resides. Space shall be provided on the copy of the notice, summons or other legal process for the officer who serves such notice or process to certify that he made personal service thereof on the defendant or respondent, and also for the clerk of the circuit court, the supreme court, or a court of like jurisdiction, of the county of such officer's residence, certifying that such officer is duly authorized to serve such process in such state or country.

Section 3. The method of serving notice or legal process on nonresident defendants and respondents prescribed in this Act shall be an alternative or additional method to be used only in those cases in which it is requested in the manner prescribed in Section 1 of this Act, and the certificate of personal service of the process signed by the officer of the other state or country, properly authenticated by the certificate of the proper officer, shall have the same force and effect as service perfected by registered or certified mail.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 10:25 A. M.

Act No. 101

H. 52—Meeks, Nice, Vacca, Perry,
Lackey, Edwards (Jefferson)

AN ACT

To authorize any person entitled to receive any retirement pay or allowance, pension, survivor's benefit, disability benefit, or other benefit under any retirement system or pension and relief system established for the benefit of employees either of the State of Alabama, or any department, agency, or institution thereof, or of any municipality, county,

or other subdivision of the State, to decline to accept any portion of any such payment, allowance, pension, or benefit which such person is entitled to receive; and to provide for the resumption of the payment of the full amount of such payment, allowance, pension, or benefit at the election of the beneficiary thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who is entitled to receive any retirement pay or allowance, pension, survivor's benefit, disability benefit, or other benefit under any retirement system or pension and relief system established for the benefit of employees either of the State of Alabama, or any department, agency, or institution thereof, or of any municipality, county, or other subdivision of the State, may at such person's discretion decline to accept any portion of the retirement pay or allowance, pension, survivor's benefit, disability benefit, or other benefit which such person is entitled to receive. Each person wishing to exercise the right herein granted to decline any portion of any such payment, allowance, pension, or benefit shall file written notice thereof with the governing authority of the retirement system or pension and relief system, in such manner as such authority may prescribe, showing in such notice the amount of such payment, allowance, pension, or benefit which such person declines. Upon receipt of such notice the governing authority of the retirement system or pension and relief system shall cause the payment, allowance, pension, or benefit receivable by such person to be reduced in an amount equal to the amount shown in the notice. All amounts declined and disclaimed in accordance with this Act shall accrue to the benefit of the retirement system or pension and relief system, and may not after the disclaimer of any such amount be reclaimed by the beneficiary thereof. It is provided, however, that upon receipt of written notice given by any person who has declined any amount of such payment, allowance, pension, or benefit, the governing authority of the retirement system or pension and relief system shall cause to be resumed payment of the full amount of such payment, allowance, pension, or benefit due such person under the laws, rules, and regulations governing the administration of such system.

Section 2. The board of directors or other like governing authority of each retirement system or pension and relief system established for the benefit of the employees of the State of Alabama, or any department, agency, or institution thereof, or of any municipality, county, or other subdivision of the State, shall have authority to make such reasonable rules and regulations as are necessary to carry out the provisions of this Act.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.
Time 10:30 A. M.

Act No. 102

H. 48—Dement, Ramey, Branyon,
Brown (Lamar), Davis

AN ACT

To Make an Additional Appropriation to the State Department of Revenue for the Fiscal Year Ending September 30, 1956 and for the Fiscal Year Ending September 30, 1957.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated in addition to all other funds heretofore appropriated to the State Department of Revenue for the fiscal year ending September 30, 1956 the following:

For purchase of motor vehicle license tags.....\$65,500.00
and for the fiscal year ending September 30, 1957 the following:

For purchase of motor vehicle license tags.....\$82,600.00

Section 2. The appropriation set out hereinabove shall be paid from the gross proceeds of Motor Vehicle License collections.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved: April 14, 1956.
Time: 10:31 A. M.

Act No. 103

H. 107—McNider, Bradford

AN ACT

To authorize counties, cities, towns, and other subdivisions of the State to alienate certain public improvements, with or without consideration, conditioned upon the approval of the qualified electors of the county, city, town, or other subdivision affected.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing bodies of counties, cities, towns, and other subdivisions of the State shall have full power and authority to alienate public parks and playgrounds, other public recreational facilities, and public housing projects, on such terms as may be agreeable to them, provided such alienation is first approved by a majority of the qualified electors of the county, city, town, or subdivision affected thereby, voting in a referendum election held for such purpose.

Section 2. When the court of county commissioners, board of revenue, or like governing body of a county, or the council or like governing body of a city or town, or governing body of any other subdivision shall determine to alienate any public improvement described in Section 1 of this Act, it shall adopt a resolution or ordinance to that effect, describing the nature and extent of the proposed conveyance, the consideration therefor, if any, and the names of the parties involved. Said ordinance or resolution must be published once a week for four consecutive weeks in some newspaper published in the county, city, or town, and if no newspaper is published therein, it may be published in a newspaper having general circulation in the county, city, or town.

Section 3. The county or municipal governing body shall provide for a referendum election to be held on the proposal made in the resolution or ordinance, and the resolution or ordinance shall be effective only in the event the proposal is approved by a majority of the qualified electors of the county, city, town, or other subdivision affected thereby, voting in such referendum election.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective upon the ratification in 1956 of an amendment of Section 94 of the Constitution. If said amendment is not submitted and ratified in 1956, this Act shall have no effect.

Approved: April 14, 1956.
Time: 10:33 A. M.

Act No. 104

H. 167—Murphy, Simon

AN ACT

To amend Act No. 105, S. 152, approved June 30, 1955 (Acts of Alabama, 1955, p. 350), which created a hospital board in all counties having a population of not less than 225,000 nor more than 400,000 inhabitants, according to the last or any subsequent federal decennial census; and to authorize such board and the county governing body, and the governing body of any city situated within the county, to enter into a contract for hospital care of employees of the city or county who are injured in the performance of their duties and while acting within the line and scope of their authority as employees of the city or county, as the case may be.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 105, S. 152, approved June 30, 1955 (Acts of Alabama, 1955, p. 350), which created a hospital board in all counties having a population of not less than 225,000 nor more than 400,000 inhabitants, according to the last or any subsequent federal decennial census, is amended to read as follows:

“Section 4. The county hospital board shall operate a general hospital in the county. It shall provide hospital service for the general public of the county and the cities thereof and shall make charges for services rendered and collect payment therefor. Should the board determine that patients treated in such hospital are unable to pay the charges assessed against such patients, then the board shall excuse the payment of such charges, or such part thereof as the board may deem proper, and treat such patients as charity cases. The board and the governing body of the county in which such board is created, and the governing body of any city situated within such county, may enter into a contract for the hospital care and treatment of employees of the county or city who are injured while engaged in the performance of their duties and while acting within the line and scope of their authority as employees of the county or the city, as the case may be; and the county governing body, and the governing body of each city situated therein, is hereby authorized to pay any charges assessed by the board for the hospital care and treatment of such employees of the county or city.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.
Time: 10:35 A. M.

AN ACT

To amend further Section 752 of Title 51, Code of Alabama (1940), which defines terms in the Sales Tax Act, so as to define the term "automotive vehicle."

Be It Enacted by the Legislature of Alabama:

Section 752 of Title 51, Code of Alabama (1940), as amended, is amended further to read as follows:

"Section 752. (1) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"(a) The term 'person' or the term 'company' herein used interchangeably, includes any individual, firm, co-partnership, association, corporation, receiver, trustee or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

"(b) The term 'department' means the department of revenue of the State of Alabama.

"(c) The term 'commissioner' means the commissioner of revenue of the State of Alabama.

"(d) The term 'tax year' or 'taxable year' means the calendar year.

"(e) The term 'sale' or 'sales' includes installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale.

"(f) The term 'gross proceeds of sales' means the value proceeding or accruing from the sale of tangible personal property (and including the proceeds from the sale of any property handled on consignment by the taxpayer), including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever, and without any deductions on account of losses; provided that cash discounts allowed and taken on sales shall not be included, and 'gross proceeds of sales' shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. Said term 'gross proceeds of sale' shall also mean and include the reasonable and fair market value of any tangible personal prop-

erty previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

“(g) The word ‘taxpayer’ means any person liable for taxes hereunder.

“(h) The term ‘gross receipts’ means the value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character, all receipts actual and accrued, by reason of any business engaged in (not including, however, interest, discounts, rentals of real estate or royalties) and without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever and without any deductions on account of losses. Said term ‘gross receipts’ shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

“(i) The term ‘wholesale sale’ or ‘sale at wholesale’ means a sale of tangible personal property by wholesalers to licensed

retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale. The term 'wholesale sale' shall include a sale of tangible personal property or products (including iron ore) to a manufacturer or compounder which enters into and becomes an ingredient or component part of the tangible personal property or products which he manufactures or compounds for sale, and the furnished container and label thereof.

"(j) The term 'sale at retail' or 'retail sale' shall mean all sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold, are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders, or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term 'sale at retail' or 'retail sale' shall also mean and include the withdrawal, use or consumption of any tangible personal property by anyone who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same; and such wholesale purchaser shall report and pay the taxes thereon.

"(k) The word 'business' as used in this article, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting sub-activities producing marketable commodities used or consumed in the main business activity, each of which sub-activities shall be considered business engaged in, taxable in the class in which it falls.

"(1) The term 'automotive vehicle' shall include a power shovel, dragline, crawler, crawler crane, ditcher, or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

"(2) The use within this state of tangible personal property by the manufacturer thereof, as building materials, in the performance of a construction contract, shall, for the purposes of this article be considered as a retail sale thereof by such manufacturer, who shall also be construed as the ultimate consumer of such materials or property, and who shall be required to report such transaction and pay the sales tax thereon, based upon the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. The provisions of this sub-section shall not apply to any tangible personal property which is specifically exempted from the tax levied in this article.

"(3) It is hereby declared to be the legislative intent not to affect by the provisions of this section the exemptions specifically provided for by sections 755 and 789, as amended, of title 51, Code of Alabama 1940.

"(4) A sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as such sales are defined herein where the trucker is either a licensed dealer in lumber or, if a resident of Alabama has registered with the Department of Revenue and has received therefrom a certificate of such registration or, if a non-resident of this state purchasing lumber for resale outside of Alabama, has furnished to the lumber manufacturer his name, address and the vehicle license number of the truck in which the lumber is to be transported, which name, address and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the Department of Revenue on or before the thirty-first day of January of each succeeding year; provided, however, that if not renewed the certificate shall become invalid for the purpose of this chapter on the first day of February."

Approved: April 14, 1956.

Time: 10:40 A. M.

Act No. 106

H. 135—Money

AN ACT

To amend Section 787 of Title 51, Code of Alabama (1940), which defines terms under the Use Tax Act, so as to define the term "automotive vehicle."

Be It Enacted by the Legislature of Alabama:

Section 787 of Title 51, Code of Alabama (1940), is amended to read as follows:

"Section 787. The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this section, except where the context indicates a different meaning:

"(a) The term 'person' or the term 'company' herein used interchangeably, includes any individual, firm, company, partnership, association, corporation, receiver or trustee, or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

"(b) The term 'department' means the department of revenue of the State of Alabama.

"(c) The term 'commissioner' means the commissioner of revenue of the State of Alabama.

"(d) The term 'wholesale sale' or 'sale at wholesale' means a sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers not for resale. The term 'wholesale sale' shall include a sale of tangible personal property or products (including iron ore) to a manufacturer or compounder which enters into and becomes an ingredient or component part of the tangible personal property or products which he manufacturers or compounds for sale, and the furnished container and label thereof.

"(e) The term 'sale at retail' or 'retail sale' shall mean all sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales.

"(f) The word 'business' as used in this article, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting sub-activities producing marketable

commodities used or consumed in the main business activity, each of which sub-activities shall be considered business engaged in, taxable in the class in which it falls.

“(g) The term ‘storage’ means and includes any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased at retail.

“(h) The term ‘use’ means and includes the exercise of any right or power over tangible personal property incident to the ownership of that property, or by any transaction where possession is given, except that it shall not include the sale of that property in the regular course of business.

“(i) The term ‘purchase’ means acquired for a consideration, whether such acquisition was effected by a transfer of title, or of possession, or of both, or a license to use or consume; whether such transfer shall have been absolute or conditional, and by whatsoever means the same shall have been effected; and whether such consideration be a price or rental in money, or by way of exchange or barter.

“(j) The term ‘sales price’ means the total amount for which tangible personal property is sold, including any services (including transportation) that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest charged, losses or any other expenses whatsoever; provided, that cash discounts allowed and taken on sales shall not be included and sales price shall not include the amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or by credit.

“(k) The term ‘in this state’ or ‘in the state’ means within the exterior limits of the State of Alabama, and includes all territory within such limits owned by or ceded to the United States of America.

“(l) The term ‘automotive vehicle’ shall include a power shovel, dragline, crawler, crawler crane, ditcher, or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.”

Approved: April 14, 1956.
Time: 10:44 A. M.

AN ACT

Relating to acting in fiduciary capacities in this State by corporations, including banks, organized under the laws of any state in the United States other than the State of Alabama and national banking associations whose principal places of business are in states other than the State of Alabama; providing certain conditions upon which such corporations and national banking associations which are authorized to act in fiduciary capacities in such states other than the State of Alabama may act in the State of Alabama in fiduciary capacities; providing for service of process upon such corporations and national banking associations; and providing against construction of this Act so as to prohibit or make unlawful any activity by a foreign corporation in this state which would be lawful in the absence of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The term "foreign corporation" as used in this Act shall mean (a) any bank or other corporation now or hereafter organized or existing under the laws of any state of the United States other than the State of Alabama and (b) any national banking association having its principal place of business in any state of the United States other than the State of Alabama.

Section 2. Any foreign corporation may act in this state as trustee, executor, administrator of any kind, guardian, or in any other like or similar fiduciary capacity, whether the appointment is by law, will deed, inter vivos trust, mortgage, deed of trust, court order, or otherwise, without the necessity of complying with any law of this state relating to the qualification of foreign corporations to do business in this state or the licensing of foreign corporations to do business in this state, and notwithstanding any prohibition, limitation or restriction contained in any other law of this state, provided only that (1) such foreign corporation is authorized to act in such fiduciary capacity or capacities in the state in which it is incorporated, or, if such foreign corporation be a national banking association, in which it has its principal place of business, and (2) any bank or other corporation organized under the laws of this state or a national banking association having its principal place of business in this state may act in all such fiduciary capacities in that state without further showing or qualification other than that it is authorized to act in such fiduciary capacities in this state and compliance with the law of that state, if any, concerning service of process or non-resident fiduciaries. Nothing in this Act contained shall be construed to prohibit or make unlawful any activity in this state by a bank or other corporation which is not incorporated under the laws of this state, or if a national bank, then which does not have its principal place of business in this state, which would be lawful in the absence of this act.

Section 3. Prior to the time when any foreign corporation acts pursuant to the authority of this Act in any fiduciary capacity or capacities in this state, such foreign corporation shall file with the Commissioner of Revenue of this state a verified statement which shall state (a) the correct corporate name of such foreign corporation; (b) the name of the state under the laws of which it is incorporated, or if such foreign corporation is a national banking association shall state that fact; (c) the address of its principal business office; (d) in what fiduciary capacity or capacities it desires to act in the State of Alabama; (e) that it is authorized to act in a similar fiduciary capacity or capacities in the state in which it is incorporated, or, if it is a national banking association, in which it has its principal place of business; (f) such statement shall irrevocably appoint the Commissioner of Revenue of Alabama as its true and lawful attorney to receive service of all legal process in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which such foreign corporation may act in this State in any such fiduciary capacity. Such statement shall be verified by an officer of such foreign corporation, and there shall be filed with it such certificates of public officials and copies of documents certified by public officials as may be necessary to show that such foreign corporation is authorized to act in a fiduciary capacity or capacities similar to those in which it desires to act in the State of Alabama, in the state in which it is incorporated, or, if it is a national banking association in which it has its principal place of business.

Section 4. A foreign corporation in so far as it acts in a fiduciary capacity in this state pursuant to the provisions of this Act, shall not be deemed to be transacting business in this state, but no such foreign corporation shall establish or maintain in this state a place of business, branch office, or agency for the conduct in this state of business as a fiduciary.

Section 5. Every foreign corporation acting in a fiduciary capacity in this State pursuant to the terms of this Act shall be deemed to have appointed the Commissioner of Revenue to be its true and lawful attorney upon whom may be served all legal process in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which such foreign corporation shall have acted in this state in any fiduciary capacity. Service of such process shall be made by delivering a copy of the summons or other process, with a copy of the petition or complaint when service of such copy is required by law, to the Commissioner of Revenue or to any person in his office authorized by him to receive such service. The Commissioner of Revenue shall immediately forward such process, together with the copy of the petition or complaint, if any, to such foreign corpora-

tion, by registered mail, addressed to it at the address on file with the Commissioner, or if there be none on file then at its last known address. The Commissioner of Revenue shall keep a permanent record in his office showing for all process served, the style of the action or proceeding, the court in which it was brought, the name and title of the officer serving such process, the day and hour of service, and the day of mailing by registered mail to such foreign corporation and the address to which mailed. In case such process is issued by a magistrate or other inferior court, the same may be directed to and served by any officer authorized to serve process in the city or county where the Commissioner of Revenue shall have his office, at least thirty days before the return thereof.

Section 6. The provisions of this Act shall not prohibit any foreign corporation authorized to act in a fiduciary capacity or capacities in the state in which it is incorporated or any national banking association authorized to act in a fiduciary capacity or capacities in its principal place of business, which, prior to the effective date of this Act, was acting or appointed to act in this state in a particular fiduciary capacity or capacities, from continuing in the performance of said fiduciary activity or activities, without complying with the provisions of this Act. Provided, however, said foreign corporation or national banking association shall, within sixty days after the effective date of this Act, file with the Commissioner of Revenue of Alabama an instrument appointing him as its true and lawful attorney to receive service of all legal process, in the manner provided for in Section 5 of this Act, in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which such foreign corporation or national banking association may be acting in this state in such fiduciary capacity or capacities.

Section 7. Should any clause or provision of this Act be declared unconstitutional, the same shall not affect the remaining clauses or provisions thereof.

Section 8. This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved: April 14, 1956.

Time: 8:25 A. M.

Act No. 108

H. 145—Brown (Lee), McLendon

AN ACT

To amend Title 12, Section 44, Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 12, Section 44, Code of Alabama, 1940, be and the same is hereby amended to read as follows: "The board of revenue, court of county commissioners or other like governing body shall on or before the first Monday in December of each year select as the county depository, for the placing therein of county funds for the period of the following calendar year, an incorporated state or national bank, or banks in the county, and where permitted by law shall select such bank or banks as offers the highest rate of interest to the county on daily balances of bank deposits.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 10:50 A. M.

Act No. 109

H. 54—Branyon, Fite

AN ACT

To make an appropriation to the Alabama Polytechnic Institute for the construction of an auditorium at the Upper Coastal Plains Sub-Agricultural Experiment Station.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of thirty-five thousand dollars (\$35,000.00), out of any funds in the state treasury not otherwise appropriated, to the Alabama Polytechnic Institute, which sum shall be expended solely for the construction of an auditorium at the Upper Coastal Plains Sub-Agricultural Experiment Station, conditional upon the condition of the treasury and with the approval of the Governor.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall expire on September 30, 1957.

Approved: April 14, 1956.

Time: 10:55 A. M.

Act No. 110

H. 118—Harrison, Dement,
Brewer, Payne

AN ACT

To make an additional appropriation to the State Board of Education for the vocational rehabilitation of handicapped individuals.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated to the State Board of Education out of any funds in the State Treasury to the credit of the Alabama Special Education Trust Fund not otherwise appropriated the sum of one hundred thousand dollars (\$100,000) during fiscal year ending September 30, 1956, and one hundred thousand dollars (\$100,000) for the fiscal year ending September 30, 1957 to be used solely for the vocational rehabilitation of handicapped individuals under the provisions of the Approved State Plan for Vocational Rehabilitation. All funds appropriated herein shall be used to match allotments of federal funds to Alabama for vocational rehabilitation purposes.

The appropriation made herein shall be in addition to all other appropriations heretofore or hereafter made to the State Board of Education, and shall be made conditional upon money being in the Special Educational Trust Fund and with the approval of the Governor.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 10:55 A. M.

Act No. 111

S. J. R. 31—Metcalf, Robison, Eddins, Yarbrough (Autauga), Goodwin, Leonard, Lamberth, Givhan, Coleman, Moses, Engelhardt, Van Antwerp, Cantrell, Shelton, Yarbrough (Randolph), Allen, Tate, Skidmore, Calvin, Davis (Pickens), Flowers, Cooper, Bradford, Grisham, Newton, Roberts, Dyar, Little, Jones, Davis (Lowndes), Boutwell, Vann, Reeves and James.

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA: That the State of Alabama has suffered a great loss in the untimely death of The Honorable James Mayfield, an Associate Justice of the Supreme Court of Alabama, able lawyer and jurist, popular and widely-known civic and political leader, who served his State and country with distinction as a

Lieutenant Colonel in the Army Air Force during World War II and in many civil offices before and since such War. The two houses of the Legislature of Alabama unite in honoring Justice Mayfield and extending sympathy to his family.

Approved: April 14, 1956.
Time: 10:58 A. M.

Act No. 112

H. 12—Vacca, Speaks

AN ACT

To amend Section 10 of Title 61, of the Code of Alabama (1940).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Title 61, Code of Alabama (1940), is hereby amended to read as follows:

“Whenever a testator has a child born after the making of his will, either in his lifetime or after his death, or adopted after the making of his will, and no provision is made in the will in any way for such contingency, such birth or adoption operates as a revocation of the will, so far as to allow such child to take the same share of the estate of the testator as if he had died intestate.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.
Time: 11:00 A. M.

Act No. 113

H. 37—Adams, Harrison, Grouby, Hodges,
McKay, Vacca, Tyson, Franklin,
McLendon, Locke (Choctaw)

AN ACT

To amend further Section 397 of Title 37 of the Code of 1940 relating to Board of Directors.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 397 of Title 37, Code of 1940 be and the same is hereby further amended to read as follows: “Section 397. Board of directors. — Each corporation formed under this article shall have a board of directors which shall constitute the governing body of the corporation, which board shall consist of three members. All members of the board of directors shall be

reimbursed for actual expenses incurred in and about the performance of their duties hereunder and the chairman of said board may, at the discretion of the board of directors, be paid a director's fee in an amount not exceeding \$15.00 each month, and each member of the board of directors, other than the chairman, may be paid a director's fee in an amount not exceeding \$10.00 each month. Any officer of the municipality shall be eligible for appointment and may serve as a member of the board of directors but shall not receive a fee for his services; provided, however, that at no time shall the board consist of more than two officers of the municipality. The directors of the corporation shall be elected by the governing body of the municipality, and they shall be so elected that they shall hold office for staggered terms. The first term of office of one director shall be two years, of another director shall be four years, and of the third director shall be six years, as shall be designated at the time of their election, and thereafter the term of office of each director shall be six years. Provided, that with respect to corporations heretofore organized under this article their directors shall continue to hold office for the terms for which they were elected and at the expiration of such terms their successors shall be elected for staggered terms in accordance with the provisions of this section. Provided, further, that the governing body of any municipality which has heretofore or hereafter authorized the creation of a corporation as provided herein may, at its option, increase the board of directors from three to five members to serve according to all the conditions and terms set forth herein. In the event the governing body elects to increase such board of directors from three to five members, one member added to the board shall be appointed for a term of four years and the remaining member for a term of six years and thereafter the term of each such director shall be six years; provided, further, that at no time shall such board consist of more than three officers of the municipality."

Section 2. All laws and parts of laws in conflict with the provisions hereof are hereby repealed to the extent to which they may conflict herewith.

Section 3. This act shall become effective immediately upon its adoption by the Legislature and approval by the Governor, or its otherwise becoming effective pursuant to law.

Approved: April 14, 1956.

Time: 11:01 A. M.

Act No. 114

H. 38—Adams, Harrison, Grouby, Hodges, McKay, Vacca, Tyson, Franklin, McLendon, Locke (Choctaw).

AN ACT

To amend Section 3 of Act No. 775, S. 274, approved September 11, 1951 (Acts of 1950-51, Vol. II, p. 1359), an Act providing for the creation and organization of a Board of Water and Sewer Commissioners by any city in the State for the purpose of owning, operating and financing a water system or sewer system or both such systems.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 775, S. 274, approved September 11, 1951 (Acts of 1950-51, Vol. II, p. 1359), an Act providing for the creation and organization of a Board of Water and Sewer Commissioners by any city in the State for the purpose of owning, operating and financing a water system or sewer system or both such systems, is hereby amended to read as follows: "Each Board of Water and Sewer Commissioners shall consist of three members appointed by the Council; the members first appointed shall serve for terms of two, four and six years, respectively, from the date of the Judge of Probate's certificate mentioned above and until their successors shall be duly appointed and qualified; provided, however, that a Council which has heretofore created or hereafter creates a Board as provided in this Act may, at its option, increase the Board from three to five members to serve according to all the conditions and terms set forth herein. In the event the Council elects to increase the membership of the Board from three to five members, one member added to the Board shall be appointed to serve for a term of four years and the remaining member of the Board shall be appointed for a term of six years. The successor of any member of the Board shall be appointed for a term of six years but any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term, and a member of the Board shall be eligible for reappointment. Any member of the Board may be removed by the Council for misfeasance, malfeasance or willful neglect of duty, but only after a reasonable notice and a public hearing unless the same are in writing expressly waived. Each member of the Board before entering upon his duties shall take an oath to administer the duties of his office faithfully and impartially, and a record of each oath shall be filed in the office of the City Clerk. Any officer of the City may be appointed to the Board; provided, however, that at no time may more than two members of a three-member Board or three members of a five-member Board be officers of the City.

The Board shall elect one of its members as Chairman of the Board and another as Vice Chairman, and shall also elect a Secretary-Treasurer who need not be a member of the Board.

The Chairman, Vice Chairman and Secretary-Treasurer shall serve as such officers at the pleasure of the Board. In the

event the Board consists of three members, two members shall constitute a quorum and the affirmative vote of two members shall be necessary for any action taken by the Board. In the event the Board consists of five members, three members shall constitute a quorum and the affirmative vote of three members shall be necessary for any action taken by the Board. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all rights and perform all duties of the Board.

Before the issuance of any revenue bonds under the provisions of this Act, each member of the Board and the Secretary-Treasurer shall execute a surety bond in such penal sum as may be fixed by the Council of the City, each such surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the State as a surety and to be approved by the City Attorney and filed in the office of the City Clerk.

The members of the Board shall receive such salaries for their services as may be fixed by the Council from time to time; provided, however, that no officer of the City serving as a member of the Board shall receive any salary. Each member of the Board shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties."

Section 2. All laws and parts of laws in conflict with the provisions hereof are hereby repealed to the extent to which they may conflict herewith.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 11:05 A. M.

Act No. 115

H. 13—Vacca, Speaks

AN ACT

To amend Section 5 of Title 27 of the Code of Alabama 1940, so as to make provision for and to give and grant every legal right, privilege and obligation including the right of inheritance to real estate, and to the distribution of personal estate to an adopted child from the adopting parent or parents and their natural and adopted kindred and to give and grant every legal right, privilege and obligation including the right of inheritance to real estate, and to the distribution of personal estate of an adopted child to the adopting parent or parents and their natural and adopted kindred upon the death of such adopted child as if said child had been born to the adopting parents in lawful wedlock.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 5 of Title 27 of the Code of Alabama of 1940, be, and the same is hereby, amended to read as follows:

"Section 5. Record of petition; decree and proceedings; status of adopted child; rights of inheritance by and from adopted child. — The petition and all decrees in adoption proceedings shall be recorded in a book kept for that purpose and properly indexed; such book shall be a part of the permanent records of the Probate Court in which such proceedings are had and all reports and affidavits shall be properly filed. The files and records of the Court in adoption proceedings shall not be open to inspection, or copy, by other persons than the parties in interest and their attorneys, and representatives of the State Department of Pensions and Security, except upon an order of the court expressly permitting the same.

"When the final decree of adoption shall have been entered, the natural parents of the child if living shall be divested of all legal rights and obligations due from them to the child or from the child to them; and the child shall be free from all legal obligations of obedience or otherwise to such parents. The adopting parent or parents of the child shall be invested with every legal right in respect to obedience and maintenance on the part of the child as if said child had been born to them in lawful wedlock, including the right to said adopting parent or parents of inheritance to real estate, and to the distribution of personal estate on the death of such adopted child as if said child had been born to them in lawful wedlock, and the child shall be invested with every legal right, privilege, obligation, and relation in respect to education, maintenance and the rights of inheritance to real estate, and to the distribution of personal estate on the death of such adopting parent or parents as if born to them in lawful wedlock.

"For the purposes of inheritance of property under the laws of descent and distribution an adopted child, whether now or hereafter adopted under the laws of Alabama or some other jurisdiction, shall bear the same relation to his adopting parents and their natural and adopted children as if he were the natural child of such parents. It is intended hereby to give an adopted child all rights of inheritance from his adopting parents, and through them from their natural and adopted children, and to give to the adopting parents and their natural and adopted kindred all rights of inheritance from the adopted child and his descendants, including adopted children, the same as if such child were born to his adopting parents in lawful wedlock. An adopted child's surviving spouse and descendants, including

adopted children, shall inherit through such adopted child from his adopting parents and their children the same as if he were born to his adopting parents in lawful wedlock. Upon such adoption all rights of inheritance of the adopted child's natural parents and their kindred shall cease unless otherwise specifically provided in the final decree of adoption. Provided, that where an adopter is the spouse of a natural parent of an adopted child, such natural and adopted parent and kindred shall inherit from the adopted child the same as natural parents and kindred unless otherwise specifically provided in the final decree of adoption. The provisions hereof shall be applicable in all cases of adoption whether the final decree of adoption has already been entered or shall be entered hereafter. Nothing in this chapter shall be construed as debarring a legally adopted child from inheriting property from its natural parents or other kin."

Section 2. That if, for any reason, any clause, sentence, section or provision of this Act, or the application thereof to any person or circumstance, is held invalid or inoperative, the remainder of the Act and the application thereof to any other person or circumstance shall not be affected thereby.

Section 3. That all laws and parts of laws in conflict with the provisions hereof are hereby expressly repealed.

Section 4. That this Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved: April 14, 1956.
Time: 11:10 A. M.

Act No. 116

H. 39—Adams, Harrison, Grouby, Hodges,
McKay, Vacca, T y s o n, Franklin,
McLendon, Locke (Choctaw).

AN ACT

To amend Section 3 of Act No. 175, S. 280, approved June 29, 1951 (Acts of 1950-51, Vol. I, p. 416), an Act providing for the establishment of municipal corporations for the purpose of owning, operating and financing a waterworks plant and system and other systems.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 175, S. 280, approved June 29, 1951 (Acts of 1950-51, Vol. I, p. 416), an Act providing for the establishment of municipal corporations for the purpose of owning, operating and financing a waterworks plant and system and other systems, is hereby amended to read as follows: "Each corporation formed or the certificate of incorporation of which

is amended under this act shall have a board of directors which shall constitute the governing body of the corporation, which board shall consist of three members. No fee shall be paid to any director for services rendered with respect to a sanitary sewer system. In any instance when the system or systems owned and operated by the corporation are any one or more of a water system, a gas system, and an electric system, the chairman of the board of directors may, at the discretion of the board of directors, be paid a director's fee in an amount not exceeding \$15.00 each month for one such system and \$10.00 each month for each additional system, and each member of the board of directors other than the chairman may be paid a director's fee in an amount not exceeding \$10.00 each month for each such system; provided, that where the municipality with respect to which the corporation was primarily organized has less than 5,000 inhabitants according to the last or any subsequent official census, the maximum total amount of director's fees which may be paid to the chairman of its board of directors shall not exceed \$25.00 during any month and the maximum total amount of director's fees which may be paid to any other member of the board of directors shall not exceed \$20.00 during any month. All members of the board of directors of any corporation organized under the provisions of this act shall be reimbursed for actual expenses incurred in and about the performance of their duties hereunder. Any officer of the municipality shall be eligible for appointment and may serve as a member of the board of directors but shall not receive a fee for his services; provided, however, that at no time shall the board consist of more than two officers of the municipality. The directors of the corporation shall be elected by the governing body of the municipality, and they shall be so elected that they shall hold office for staggered terms. The first term of office of one director shall be two years, of another director shall be four years, and of a third director shall be six years, as shall be designated at the time of their election, and thereafter the term of office of each director shall be six years; provided, however, that the governing body of any municipality which has heretofore or hereafter authorized the creation of a corporation as provided herein may, at its option, increase the board of directors from three to five members to serve according to all the conditions and terms set forth herein. In the event the governing body elects to increase such board of directors from three to five members, one member added to the board shall be appointed for a term of four years and the remaining member for a term of six years and thereafter the term of each such director shall be six years; provided, further, that at no time shall such board consist of more than three officers of the municipality."

Section 2. All laws and parts of laws in conflict with the provisions hereof are hereby repealed to the extent to which they may conflict herewith.

Section 3. This act shall become effective immediately upon its adoption by the Legislature and approval by the Governor, or its otherwise becoming effective pursuant to law.

Approved: April 14, 1956.

Time: 11:15 A. M.

Act No. 117

H. 150—Hare, Oakley, McNider, Stokes, Pirkle, Hodges, Hardy, Hain, Gilmer, Harrison, Summerlin, Brannan.

AN ACT

To amend Sections 93, 167, and 297 of Title 52, Code of Alabama (1940), which provide for the attendance of children at school.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 93 of Title 52, Code of Alabama (1940) is amended to read as follows:

“Section 93. The county board of education shall provide free schools for all children over six years of age, and shall provide separate schools for white and colored children whose parents, legal custodians or guardians voluntarily elect that such children attend school with members of their own race.”

Section 2. Section 167 of Title 52, Code of Alabama (1940) is amended to read as follows:

“Section 167. The city board of education shall determine, on recommendation of the city superintendent of schools, and subject to the provisions of this title, the educational policy of the city, and shall prescribe rules and regulations for the conduct and management of the city schools. The board shall provide free schools for all children over six years of age, and shall provide separate schools for white and colored children whose parents, legal custodians or guardians voluntarily elect that such children attend school with members of their own race.”

Section 3. Section 297 of Title 52, Code of Alabama (1940) is amended to read as follows:

“Section 297. Every child between the ages of seven and sixteen years shall be required to attend a public school, private school, denominational school, parochial school, or be instructed

by a competent private tutor, for the entire length of the school term in every scholastic year. Admission to public school shall be on an individual basis, on application of the parents, legal custodian or guardian of the child, to the local board of education, at the beginning of each school year, under such rules and regulations as the board may prescribe. Each child, through his parents, legal custodian or guardian, shall have the right to choose whether or not he shall attend a school provided for members of his own race.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 11:16 A. M.

Act No. 118

H. J. R. 36—Hanby

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that H. B. No. 6 be designated as the Hanby, Oden, Huddleston, Locke (Choctaw), Edwards (Jefferson), Stokes, Pirkle, Branyon, Edwards (Escambia), Eddins and Metcalf Bill.

Approved: April 14, 1956.

Time: 11:17 A. M.

Act No. 119

H. J. R. 39—Dawkins, Lee (Barbour)

HOUSE JOINT RESOLUTION

WHEREAS, the Legislature, in its 1956 Second Special Session, has made adjustments in the appropriations made for educational purposes, which together with the improvements in the revenues which support education, has made it possible to continue the full scholastic terms and pay the salary increases provided in the 1955 Legislative appropriations,

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

That the Legislature express its appreciation to the Public School Personnel for their forbearance and continued efforts in

carrying on the educational functions of the State in spite of the fact that the exact condition of school finances could not be earlier ascertained.

Approved: April 14, 1956.

Time: 11:18 A. M.

Act No. 120

S. 46—Goodwin

AN ACT

To require all wholesale or retail establishments in the State which sell Japanese textile goods, to display a sign "Japanese Textiles Sold Here," and to provide a penalty for the violation thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Every person operating a wholesale or retail establishment in the State which sells Japanese textile goods, shall display in a conspicuous place upon the premises of such establishment, in near proximity to such goods, in letters not less than four inches high, at least one sign reading as follows: "Japanese Textiles Sold Here."

Section 2. Any person, firm or corporation violating the provisions this Act shall be fined not more than Twenty Five Dollars.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: April 14, 1956.

Time: 10:40 A. M.

OFFICIALS OF THE STATE OF ALABAMA

James E. Folsom, *Governor**Lieutenant-Governor*

W. G. (Guy) Hardwick Dothan

Attorney General

John Patterson Phenix City

State Auditor

Mrs. Agnes Baggett Montgomery

Secretary of State

Mary Texas Hurt Scottsboro

State Treasurer

John Brandon Montgomery

Superintendent of Education

Austin R. Meadows Huntsville

Commissioner of Agriculture and Industries

A. W. Todd Russellville

Adjustment, State Board of

John Brandon, State Treasurer Montgomery

Mary Texas Hurt, Secretary of State Scottsboro

Mrs. Agnes Baggett, State Auditor Montgomery

Fuller Kimbrell, Director of Finance Fayette

Adjutant General

W. D. Partlow, Jr. Tuscaloosa

Agriculture and Industries, State Dept. of

A. W. Todd, Commissioner Russellville

Agricultural Center Board

T. C. Reid, Director Montgomery

Aeronautics, Alabama Department of

Asa Rountree, Jr., Director Montgomery

OFFICIALS OF THE STATE OF ALABAMA—Continued

Alcoholic Beverage Control Board, Alabama

Knox McRae	Decatur
C. V. Evans	Mobile
Harrold Hammonds, Chairman	Hayneville
Melvin Dawkins, Administrator	Montgomery

Architects, State Board for Registration of

John Merriman Fuller, Secretary, 1508 Cresthill Road	Birmingham
---	------------

Archives and History, Department of

Peter A. Brannon, Director	Montgomery
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Armory Commission, State

W. D. Partlow, Jr., Secretary	Tuscaloosa
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Alcoholism, Commission on Education with Respect To

Mrs. Inez Rach, Editorial Asst.	Montgomery
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Athletic Association, Alabama

Cliff Harper, Executive Secretary	Montgomery
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Bar, Board of Commissioners of State

John B. Scott, Bell Bldg.	Montgomery
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Boxing and Wrestling Commission

Oscar Covington, Secretary	Montgomery
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Bridge Commission, Alabama

F. O. McManus, Secretary	Montgomery
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Building Commission, State

H. H. Houlik, Director	Montgomery
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Chemist, State

Dr. C. R. Saunders	Auburn
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Civil Defense Agency

Pitt Tyson Maner, Director	Montgomery
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Commerce, Department of

Lonnie Gentry, Director and Superintendent of Banks	Moulton
--	---------

OFFICIALS OF THE STATE OF ALABAMA—Continued

Comptroller, State

John Graves Montgomery

Conservation Department

W. H. Drinkard, Director Cullman

Contractors, State Licensing Board for General

Mrs. Elizabeth B. Pitts, Executive Secretary Montgomery

Corrections, Board of

J. M. McCullough, Jr., Commissioner Montgomery

Cotton Classers, Board of Examiners of Public

J. H. Burton, Member Selma

*Dental Examiners, Board of*Dr. W. L. McCarty, Secretary-Treasurer,
200 Professional Center Montgomery*Dead Bodies, Board for Distribution and Delivery of*

Dr. E. C. Sensenig, Secretary Birmingham

Docks and Terminals, State

Jerry P. Turner, Director Mobile

*Education, State Department of*Austin R. Meadows, Superintendent
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P. O. Box 426 Montgomery*Engineers and Land Surveyors, State Board of Registration
for Professional*

C. C. Cobb, Executive Secretary Montgomery

Employees' Retirement System of Alabama

Raymond Fowler, Secretary-Treasurer Montgomery

*Entomologists, Horticulturists, Floriculturists and
Tree Surgeons, Board to Examine*

B. P. Livingston, Secretary Montgomery

OFFICIALS OF THE STATE OF ALABAMA—Continued

Examiners of Public Accounts, Dept. of

Ralph P. Eagerton, Chief Examiner Montgomery

Executive Department, Governor's Office

James E. Folsom, Governor Cullman

O. H. Finney, Jr., Executive Secretary Montgomery

Mabel Amos, Recording Secretary Montgomery

Murray A. Battles, Legal Adviser Birmingham

Ralph Hammonds, Press Secretary Montgomery

Finance Department

Fuller Kimbrell, Director Fayette

Fire Marshall, State

J. V. Kitchens Montgomery

Geologist, State

Dr. Walter B. Jones, University of Alabama University

Health Department, State

Dr. D. G. Gill, State Health Officer Montgomery

Highway Department, State

Herman L. Nelson, Director Decatur

Industrial Relations, Department of

Eugene M. Wells, Director Birmingham

Insane Hospitals, Alabama

Dr. J. S. Tarwater, Superintendent Tuscaloosa

Insurance, State Department of

Leslie L. Gwaltney, Jr., Superintendent Montgomery

Labor, Department of

Luther D. Barnette, Director Montgomery

Legislative Reference Service

Charles M. Cooper, Director Montgomery

Medical Examiners, State Board of

Dr. D. G. Gill, Secretary Montgomery

OFFICIALS OF THE STATE OF ALABAMA—Continued

Medical Technicians Examiners, Board of

Mary John Weldon, Chairman,
East End Memorial Hospital Birmingham

Mental Deficients, Partlow State School for

Dr. J. S. Tarwater, Superintendent Tuscaloosa

Military Department

W. D. Partlow, Jr., Adjutant General Tuscaloosa

Mine Examiners, Board of

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Milk Control Board, Alabama State

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Optometry, State Board of

Dr. Thomas D. Hopkins, Secretary-Treasurer,
104 Montgomery St. Montgomery

Oil and Gas Board, State

Dr. Walter B. Jones, Supervisor University

Pardons and Paroles, State Board of

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Neil O. Davis Montgomery

Mrs. Frances R. Robinson Montgomery

L. B. Stephens, Secretary Montgomery

Pension Commission

Miss Sarah Harden, Secretary Montgomery

Personnel Department

J. S. Frazer, Director Montgomery

Pharmacy, State Board of

Geo. P. Walker, Jr., Member Attalla

Pilotage Commission, State

Harry L. Hargrove, Member Mobile

OFFICIALS OF THE STATE OF ALABAMA—Continued

*Planning Commission, State**Public Accountancy, State Board*

Francis B. Latady, Secretary,
935 Brown Marx Bldg. Birmingham

Public Library Service Division

Evelyn Day Mullen, Director Montgomery

Public Safety, Department of

W. V. Lyerly, Director Montgomery

Public Service Commission, Alabama

C. C. (Jack) Owen, President Montgomery

Jimmy Hitchcock, Associate Montgomery

Sibyl Pool, Associate Montgomery

Orville P. Large, Secretary Montgomery

Public Welfare, State Department

J. S. Snoddy, Commissioner Montgomery

Publicity and Information, State Bureau of

Pleas Looney, Director Montgomery

Purchasing Agent, State

James B. King Montgomery

Real Estate Commission

Mrs. Mary J. Thompson, Executive Secretary ... Montgomery

Revenue, Department of

W. LaRue Horn, Commissioner Dothan

Securities Commissioner, State

John M. Patterson, Commissioner Montgomery

Social Security Act, State Agency for Administration of

Mary Texas Hurt, Secretary of State,
State Agency Scottsboro

Soil Conservation Committee, State

S. R. Doughty, Secretary, Duncan Hall Auburn

OFFICIALS OF THE STATE OF ALABAMA—Continued*Teachers' Retirement System, State*

Raymond Fowler, Secretary-Treasurer Montgomery

*Television Commission, Alabama Educational*Raymond Hulbert, President,
714 Protective Life Bldg. Birmingham*Toxicologist, State*

C. J. Rehling Auburn

Uniform State Laws, Commission On

C. M. A. Rogers Mobile

Veterans Affairs, State Department of

C. C. Horton, Director Montgomery

Veterinary Medical Examining Board, Alabama

Ray Ashwander, Secretary-Treasurer Auburn

*White House Association, The*First White House of the Confederacy
Mrs. Ruth Howell, Regent Montgomery**SUPREME COURT**J. Ed Livingston, *Chief Justice**Associate Justices:*

Thomas S. Lawson	Montgomery
Robert T. Simpson, Jr.	Montgomery
Davis F. Stakely	Montgomery
John L. Goodwyn	Montgomery
Pelham J. Merrill	Montgomery
James J. Mayfield	Montgomery
A. B. Foster, Supernumerary	Montgomery
J. Render Thomas, Clerk	Montgomery
Noble H. Seay, Reporter of Decisions	Montgomery
Richard Neal, Librarian	Montgomery

COURT OF APPEALSRobert B. Harwood, *Presiding Judge**Associate Judges:*

Annie Lola Price	Montgomery
Rowan S. Bone	Montgomery
Charles Bricken, Jr., Clerk	Montgomery

ROSTER OF THE SENATE OF ALABAMA

Special Sessions, 1956

W. G. (Guy) Hardwick, <i>Lieutenant Governor</i>	Dothan
Broughton Lamberth, <i>President Pro-Tem</i>	Alexander City
J. E. Speight, <i>Secretary</i>	Montgomery
Ralph E. Macon, <i>Assistant Secretary</i>	Wetumpka
First Senatorial District—Lauderdale and Limestone Counties.	
Milton C. Grisham	Route 6, Athens
Second Senatorial District—Lawrence and Morgan Counties.	
Joe Calvin	P. O. Box 312, Decatur
Third Senatorial District—Blount, Cullman and Winston Counties.	
Harlan G. Allen	Route 2, Cullman
Fourth Senatorial District—Madison County.	
T. Herman Vann	434 Locust St., Huntsville
Fifth Senatorial District—Jackson and Marshall Counties.	
Smith C. Dyar	Route 6, Boaz
Sixth Senatorial District—Etowah and St. Clair Counties.	
E. L. Roberts	752 Forrest Ave., Gadsden
Seventh Senatorial District—Calhoun County.	
A. C. Shelton	Jacksonville
Eighth Senatorial District—Talladega County.	
G. Kyser Leonard	Talladega
Ninth Senatorial District—Chambers and Randolph Counties.	
Geo. W. Yarbrough	Box 15, Wedowee
Tenth Senatorial District—Elmore and Tallapoosa Counties.	
Broughton Lamberth	Alexander City
Eleventh Senatorial District—Tuscaloosa County.	
E. W. Skidmore	411 Alston Bldg., Tuscaloosa

ROSTER OF THE SENATE OF ALABAMA—Continued

Twelfth Senatorial District—Fayette, Lamar and Walker Counties.

Reuben L. Newton Jasper

Thirteenth Senatorial District—Jefferson County.

Albert Boutwell 1919-20 First National Bank
Bldg. Birmingham

Fourteenth Senatorial District—Pickens and Sumter Counties.

Albert Davis Aliceville

Fifteenth Senatorial District—Autauga, Chilton and Shelby Counties.

Dave L. Yarbrough Prattville

Sixteenth Senatorial District—Lowndes County.

Joe B. Davis Braggs

Seventeenth Senatorial District—Butler, Conecuh and Covington Counties.

Tully A. Goodwin 801 North 5th St., Florala

Eighteenth Senatorial District—Bibb and Perry Counties.

H. P. James Brent

Nineteenth Senatorial District—Choctaw, Clarke and Washington Counties.

Gerald Bradford Grove Hill

Twentieth Senatorial District—Marengo County.

E. O. Eddins P. O. Box 317, Demopolis

Twenty-first Senatorial District—Baldwin, Escambia and Monroe Counties.

Ralph L. Jones Monroeville

Twenty-second Senatorial District—Wilcox County.

Roland Cooper c/o Cooper Motor Co., Camden

Twenty-third Senatorial District—Dale and Geneva Counties.

Neil Metcalf Box 175, Geneva

ROSTER OF THE SENATE OF ALABAMA—Continued

Twenty-fourth Senatorial District—Barbour County.

George E. Little Eufaula

Twenty-fifth Senatorial District—Coffee, Crenshaw and Pike Counties.

Ben Reeves 407 Orange St., Troy

Twenty-sixth Senatorial District—Bullock and Macon Counties.

Sam M. Engelhardt, Jr. Shorter

Twenty-seventh Senatorial District—Lee and Russell Counties.

Joseph W. Smith Box 464, Phenix City

Twenty-eighth Senatorial District—Montgomery County.

Vaughan Hill Robison 34 S. Perry St., Montgomery

Twenty-ninth Senatorial District—Cherokee and DeKalb Counties.

M. H. Moses Box 245, Fyffe

Thirtieth Senatorial District—Dallas County.

Walter C. Givhan Safford

Thirty-first Senatorial District—Colbert, Franklin and Marion Counties.

Berry Lynchmore Cantrell 300 West First St.,
Tuscumbia

Thirty-second Senatorial District—Greene and Hale Counties.

James S. Coleman, Jr. Eutaw

Thirty-third Senatorial District—Mobile County.

Garet Van Antwerp, III 37 Oriole Drive, Spring Hill

Thirty-fourth Senatorial District—Clay, Cleburne and Coosa Counties.

Staten Tate Box 37, Goodwater

Thirty-fifth Senatorial District—Henry and Houston Counties.

Richmond M. Flowers Penny Building, Dothan

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

Special Sessions, 1956

OFFICERS

Rankin Fite, <i>Speaker</i>	Hamilton
George C. Hawkins, <i>Speaker Pro Tem</i>	Gadsden
R. T. Goodwyn, Jr., <i>Clerk</i>	Montgomery
Oakley W. Melton, Jr., <i>Assistant Clerk</i>	Montgomery
Richard C. Belser, <i>Reading Clerk</i>	Montgomery

MEMBERS OF THE HOUSE

Autauga—E. A. (Bud) Grouby	Prattville
Baldwin—L. W. Brannan, Jr.	Foley
Barbour—Place No. 1 — Sim A. Thomas	Eufaula
Place No. 2—McDowell Lee	Clio
Bibb—Virgis M. Ashworth	Centreville
Blount—Lowell Gregory	Oneonta
Bullock—Place No. 1—M. B. McLendon	Union Springs
Place No. 2—J. A. Crook	Union Springs
Butler—Place No. 1—A. L. Killough	Honoraville
Place No. 2—H. B. Taylor	P. O. Box 278, Georgiana
Calhoun—Place No. 1—Woodrow Albea; Anniston Natl. Bank Bldg., Anniston	
Place No. 2—Hugh D. Merrill, Jr.	701 Fairway, Anniston
Chambers—Place No. 1—Roy W. McClendon	Shawmut
Place No. 2—Robert R. Hunt	Box 207, Fairfax
Cherokee—J. B. Burkhalter	Centre
Chilton—Francis W. Speaks	P. O. Box 535, Clanton
Choctaw—Robert Locke	Butler

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF
ALABAMA—Continued**

Clarke—Place No. 1—Marion Bradford	Dickinson
Place No. 2—Emory McNider	Coffeeville
Clay—Charles (Pete) Mathews	Ashland
Cleburne—J. H. Pirkle	Heflin
Coffee—Jackson W. Stokes	Elba
Colbert—Harry J. (Jack) Huddleston	Box 178, Sheffield
Conecuh—Robert G. Kendall, Jr.	Evergreen
Coosa—Charles R. Franklin	Goodwater
Covington—Clyde M. Love	Box 481, Florala
Crenshaw—V. S. Summerlin	Luverne
Cullman—Bryce C. Davis	Box 499, Cullman
Dale—Henry B. Steagall, II	Box 226, Ozark
Dallas—Place No. 1—William P. Molette	Orrville
Place No. 2—Frank Hardy	Route 6, Selma
Place No. 3—B. V. Hain	Box 155, Selma
DeKalb—F. L. (Hello) Ferrell	Mentone
Elmore—Place No. 1—Carol Jack Law	Box 1, Wetumpka
Place No. 2—Hardaway Johnson	Eclectic
Escambia—Malcolm Edwards	E. Brewton
Etowah—Place No. 1—George C. Hawkins.....	752 Forrest Ave., Gadsden
Place No. 2—E. K. Hanby	223 Ridgeway Ave., Gadsden
Fayette—James A. Branyon, II	Fayette
Franklin—W. E. Oden	Russellville
Geneva—Roland R. Faulk	Samson
Greene—W. L. Martin, Jr.	Eutaw
Hale—Place No. 1—Reginald Richardson	Greensboro
Place No. 2—Charles H. Ramey	Akron

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

Henry—Place No. 1—Emory R. (Em) Solomon Headland
Place No. 2—G. B. Mathison, Sr. Abbeville
Houston—R. J. (Bob) Stembridge—321 E. Main Street, Dothan
Jackson—Place No. 1—Leroy D. Gist Hollywood
Place No. 2—Joe Money Route 3, Scottsboro
Jefferson—J. K. (Jess) Edwards Brighton
Hugh Kaul 1605 1st National Bldg., Birmingham
Rufus M. Lackey 712 1st National Bldg., Birmingham
J. Paul Meeks 424 Brown Marx Bldg., Birmingham
Charles Nice, Jr. 210 Frank Nelson Bldg., Birmingham
Walter Emmett Perry, Jr. 730 Frank Nelson Bldg.,
Birmingham
Paschal P. "Pat" Vacca 710 Frank Nelson Bldg.,
Birmingham
Lamar—Jesse Brown Box 305, Vernon
Lauderdale—Place No. 1—Robert H. Broadfoot.....302 West
Alabama, Florence
Place No. 2—E. B. Haltom, Jr. Box 532, Florence
Lawrence—W. J. Lee, Jr. Town Creek
Lee—Place No. 1—Roberts H. Brown Box 48, Opelika
Place No. 2—D. W. Ward Box 689, Opelika
Limestone—James M. Dement Route 1, Athens
Lowndes—Place No. 1—Robert S. Dickson, Jr. Lowndesboro
Place No. 2—A. J. Brooks Ft. Deposit
Macon—J. J. Rodgers P. O. Box 538, Tuskegee
Madison—Place No. 1—N. L. (Luke) Reynolds 1413 Cali-
fornia Street, Huntsville
Place No. 2—Roscoe Roberts, Jr. 4 West Side Square,
Huntsville

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF
ALABAMA—Continued**

Marengo—Place No. 1—Jack B. Kirkham — RFD, Myrtlewood
 Place No. 2—Cephus R. Holliman Linden
 Marion—Rankin Fite Box 157, Hamilton
 Marshall—Garnett Cox 1468 Rayburn Ave., Guntersville
 Mobile—Place No. 1—Michael Thomas Murphy 612 First
 National Bank Bldg., Mobile
 Place No. 2—John M. Tyson 1600 Government St., Mobile
 Place No. 3—Otto E. Simon ... 608 Van Antwerp Bldg., Mobile
 Monroe—N. S. (Nick) Hare Monroeville
 Montgomery—Place No. 1—Joe M. Dawkins 800 Commerce
 Bldg., Montgomery
 Place No. 2—O. J. (Joe) Goodwyn 4169 Goode St.,
 Montgomery
 Place No. 3—H. James Hall Route 4, Montgomery
 Place No. 4—Wilbur B. Nolen, Jr. Box 1525, Montgomery
 Morgan—Place No. 1—Albert P. Brewer Box 1487, Decatur
 Place No. 2—Bob Gilchrist Bethel Road, Hartselle
 Perry—Place No. 1—Judson C. Locke, Sr. Marion
 Place No. 2—W. L. DeSear Uniontown
 Pickens—Ralph Windle Carrollton
 Pike—Place No. 1—L. Gardner Bassett 206 Orange St., Troy
 Place No. 2—A. L. (Pat) Boyd Box 454, Troy
 Randolph—J. M. (Jimmie) Jenkins Box 384, Roanoke
 Russell—Place No. 1—Homer W. Cornett.....Box 88, Phenix City
 Place No. 2—J. W. Brassell Phenix City
 St. Clair—George W. Hodges, Jr. Box 295, Ashville
 Shelby—Karl C. Harrison Columbiana
 Sumter—Place No. 1—Jesse E. Harvey Cuba
 Place No. 2—Ira D. Pruitt Livingston

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF
ALABAMA—Continued**

Talladega—Place No. 1—L. N. Payne	Box 4, Talladega
Place No. 2—C. W. (Charlie) McKay, Jr.	Box 128, Sylacauga
Tallapoosa—Place No. 1—Charles Adams	Alexander City
Place No. 2—J. T. (Tom) Johnson	Rt. 1, Notasulga
Tuscaloosa—Place No. 1—A. K. (Temo) Callahan	909 First Natl. Bank Bldg., Tuscaloosa
Place No. 2—Ryan deGraffenried	Tuscaloosa
Walker—Place No. 1—Alonzo Shumate	Box 63, Jasper
Place No. 2—T. K. Selman	Jasper
Washington — J. Emmett Wood	Millry
Wilcox—Place No. 1—Sam C. Nettles, Jr.	Arlington
Place No. 2—Gregory Oakley	Pine Apple
Winston—J. H. (Jack) Kelly	Haleyville

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